

IN THE HIGH COURT OF TELANGANA AT HYDERABAD**W.P. No. 515 of 2024****Between:**

Avinash Reddy Paladugu

... Petitioner

And

The Bureau of Immigration (BOI) and others

... Respondents

JUDGMENT PRONOUNCED ON: 26.02.2024**THE HON'BLE MRS JUSTICE SUREPALLI NANDA**

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgment?
2. Whether the copies of judgment may be : Yes
marked to Law Reporters/Journals?
3. Whether Their Lordships wish to : Yes
see the fair copy of the Judgment?

SUREPALLI NANDA, J

THE HON'BLE MRS JUSTICE SUREPALLI NANDA**W.P. No. 515 of 2024****% 26.02.2024****Between:**

Avinash Reddy Paladugu

... Petitioner

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... Respondents

< Gist:

➤ Head Note:

!Counsel for the Petitioner: Mr Katika Ravinder Reddy

^counsel for Respondent No. 1: Dy.Solicitor General of India

^ counsel for Respondent No. 2: G.P. for Home

^ counsel for Respondent No.3: Mr. T.Sudhakar Reddy

? Cases Referred:

1. 2013 (15) SCC 570
2. AIR 1978 SC 597
3. 2019(2) SCC Online SC 2048
4. AIR 1967 SC 1836
5. 2013 SCC online Mad 4092
6. 2021 SCC online Tri 143
7. 2018 SCC online Mad 2229

HON'BLE MRS JUSTICE SUREPALLI NANDA**W.P. No. 515 of 2024****ORDER:**

Heard Mr. Katika Ravinder Reddy, learned counsel appearing on behalf of the Petitioners, Mr Gadi Praveen, learned Deputy Solicitor General of India appearing on behalf of Respondent No.1, learned Government Pleader for Home appearing on behalf of respondent No.2 and Mr T. Sudhakar Reddy, learned counsel appearing on behalf of respondent No.3.

2. Petitioner approached the Court seeking prayer as under :

This Writ Petition is filed to issue a Writ of Mandamus declaring the action of the Respondents in issuing Look Out Circular against the petitioner based on Crime No. 211 of 2023, dated 07.04.2023, on the file of Women Police Station, DD, Hyderabad, as illegal and contrary to law and an abuse of authority and process of law, and consequently, direct the Respondents to withdraw the Look Out Circular issued against the petitioner based on Crime No. 211 of 2023, dated 07.04.2023, on the file of Women Police Station, DD, Hyderabad.

3. PERUSED THE RECORD :

A. Office Memorandum dated 22.02.2021 dealing with consolidated guidelines for issuance of Look Out Circular in respect of Indian Citizens and Foreigners and the relevant paras of the said A, B, C, D, H, I, J, and L, of the said circular are extracted hereunder:

"6. The existing guidelines with regard to issuance of Look Out Circulars (LOC) in respect of Indian citizens and foreigners have been reviewed by this Ministry. After due deliberations in consultation with various stakeholders and in supersession of all the existing guidelines issued vide this Ministry's letters/O.M. referred to in para 1 above, it has been decided with the approval of the competent authority that the following consolidated guidelines shall be followed henceforth by all concerned for the purpose of issuance of Look Out Circulars (LOC) in respect of Indian citizens and foreigners:-

A. The request for opening an LOC would be made by the Originating Agency (OA) to the Deputy Director, Bureau of Immigration (BoI), East Block – VIII, R.K. Puram, New Delhi – 110066 (Telefax: 011- 26192883, email:boihq@nic.in) in the enclosed proforma.

B. The request for opening of LOC must invariably be issued with the approval of an Originating Agency that shall be an officer not below the rank of – (i) Deputy Secretary to the Government of India; or (ii) Joint Secretary in the State Government; or (iii) District Magistrate of the District concerned; or (iv) Superintendent of Police (SP) of the District concerned; or (v) SP in CBI or an officer of equivalent level working in CBI; or (vi) Zonal Director in Narcotics Control Bureau (NCB) or an officer of equivalent level (including Assistant Director (Ops) in Headquarters of NCB]; or (vii) Deputy Commissioner or an officer of equivalent level in the Directorate of Revenue Intelligence or Central Board of Direct Taxes or Central Board of Indirect Taxes and Customs; or (viii) Assistant Director of Intelligence Bureau/Bureau of Immigration (BoI); or (ix) Deputy Secretary of Research and Analysis Wing (R&A W); or (x) An officer not below the level of Superintendent of Police in National Investigation Agency; or (xi) Assistant Director of Enforcement Directorate; or (xii) Protector of Emigrants in the office of the Protectorate of Emigrants or an officer not below the rank of Deputy Secretary to the Government of India; or (xiii) Designated officer of Interpol; or (xiv) An officer of Serious Fraud Investigation Office (SFIO), Ministry of Corporate Affairs not below the rank of Additional Director (in the rank of Director in the

Government of India); or (xv) Chairman/Managing Directors/Chief Executive of all Public Sector Banks.”

C. LOCs can also be issued as per directions of any Criminal Court in India. In all such cases, request for opening of LOC shall be initiated by the local police or by any other Law Enforcement Agencies concerned so that all parameters for opening LOCs are available.

D. The name and designation of the officer signing the Proforma for requesting issuance of an LOC must invariably be mentioned without which the request for issuance of LOC would not be entertained.

H. Recourse to LOC is to be taken in cognizable offences under IPC or other penal laws. The details in Column IV in the enclosed Proforma regarding 'reason for opening LOC must invariably be provided without which the subject of an LOC will not be arrested/detained.

I. In cases where there is no cognizable offence under IPC and other penal laws, the LOC subject cannot be detained/arrested or prevented from leaving the country. The Originating Agency can only request that they be informed about the arrival/departure of the subject in such cases.

J. The LOC opened shall remain in force until and unless a deletion request is received by BoI from the Originator itself. No LOC shall be deleted automatically. Originating Agency must keep reviewing the LOCs opened at its behest on quarterly and annual basis and submit the proposals to delete the LOC. If any, immediately after such a review. The BOI should contact the LOC Originators through normal channels as well as through the online portal. In all cases where the person against whom LOC has been opened is no longer wanted by the Originating Agency or by Competent Court, the LOC deletion request must be conveyed to BoI immediately so that liberty of the individual is not jeopardized.

L. In exceptional cases, LOCs can be issued even in such cases, as may not be covered by the guidelines above, whereby departure of a person from India may be declined at the request of any of the authorities mentioned in clause (B) above, if it appears to such authority based on inputs received that the departure of such person is detrimental to the sovereignty or security or integrity of India or that the same is detrimental to the bilateral relations with any country or to the strategic and/or economic interests of India or if such person is allowed to leave, he may potentially indulge in an Act of terrorism or offences against

the State and/or that such departure ought not be permitted in the larger public interest at any given point in time.

B) The relevant paragraphs of the counter affidavit and the vacate stay petition filed by the 2nd Respondent paras 3, 4 read as under :

"3. It is respectfully submitted that the Respondent No. 3 herein i.e., Talasani Manohar Reddy, had lodged a complaint with the Respondent No. 2 i.e., Station House Officer, Women Police Station, Central Zone, Hyderabad on 07.04.2023 with regard to matrimonial disputes. Pursuant to that, a case was registered in Crime No. 211/2023 Under Sections 498-A, 406 of IPC; Section 3 & 4 of Dowry Prohibition Act against the petitioner/A-1 and 3 others and investigation has been taken up. During the course of investigation, Notices have been served to the petitioner / A-1 along with other accused persons through WhatsApp.

4. It is respectfully submitted that the investigating officer made a requisition to the Deputy Commissioner of Police, CCS, DD, Hyderabad for issuance of Look Out Circular (LOC) against the petitioner / A-1. Thereupon the concerned department issued Look Out Circular (LOC) against the petitioner / A-1. After completion of investigation, charge sheet has been filed vide C.C. No. 160/2024 and the case is pending before

the Hon'ble XIII Addl. Chief Metropolitan Magistrate at Nampally, Hyderabad with a prayer to issue Non Bailable Warrant (NBW) against the petitioner / A-1 and other accused persons who are absconding since the registration of Criminal case."

C) The counter affidavit filed by the 3rd Respondent para 12 reads as under :

"12. It is further submitted that the alleged actions which are initiated by the petitioner before the Courts at United States of America are nothing to do with the complaint which was lodged by the 3rd respondent, the marriage has took place in Hyderabad on 24.3.2019, the petitioner and his wife lived some time in Hyderabad and thereafter the petitioner and his wife were shifted and stayed United States of America and some time stayed in India also and the harassment other domestic violences are committed in both the places i.e., in Hyderabad as well as United States of America, therefore the complaint is rightly registered by the police and which required to be conducted investigation and trial, his presence is more important, otherwise the trial would not be continued, therefore no ground is made in the writ petition nor any prima facie case is made out by the petitioner for interference of this Hon'ble Court, consequent upon the writ petition is liable to be dismissed with costs. Because the only reason has to be considered by this Hon'ble Court

whether any notice has been issued before LOC is opened against the petitioner, in fact the notices were served on 20.9.2023 and 22.9.2023 itself, that is sufficient for opening of LOC against the petitioner for securing his presence for conduction of the trial in Crime No. 211 of 2023 now it is numbered as C.C. No. 160/2024 on the file of the XIII Addl. Metropolitan Magistrate Court, at Manoranjan Comlex, Hyderabad.

4. The case of the Petitioner as per the averments made by the petitioner in the affidavit filed by the petitioner in support of the present Writ Petition in brief, is as follows:

- a) The 3rd respondent herein had lodged a complaint dated 07.04.2023 and based on the said complaint, the police have registered FIR against the Accused Nos. 1 to 4, wherein the petitioner herein is arrayed as Accused No.1 in Crime No. 211 of 2023, dated 07.04.2023, for the offences punishable under section 498-A, 406 of IPC, Sec 3 & 4 of Dowry Prohibition Act.
- b) The 3rd respondent herein alleged in his complaint that his daughter got married to the petitioner on 24.03.2019 and thereafter 3 months after the marriage, the petitioner and his family members have harassed the daughter of the 3rd

respondent for additional dowry at the instance of petitioner's mother, petitioner's sister and petitioner's brother-in-law and based on the said complaint dated 07.04.2023 the police have registered the crime vide FIR No.211/2022 against the petitioner herein.

c) The petitioner and his wife namely Sindhu Reddy Talsani are residents of USA and they are living there since 2015. Further, several Court proceedings are going on between them, such as Divorce petition, child custody and domestic violence, are registered against the petitioner and the same are pending for adjudication but by suppressing the above said facts the 3rd respondent herein got filed the present complaint. Moreover, the USA court has found mistake on the part of the petitioner's wife for harassing the petitioner physically and mentally under domestic violence and granted the petitioner's request for restraint order against petitioner's wife Smt. Sindhu Reddy Talasani. Also, there is a police incident report against Sindhu Reddy Talasani vide case FPD21-2509.

d) However, the police issued Look Out Circular against the Petitioner based on FIR No.211/2023, dated 07.04.2023

registered against the Petitioner by the father-in-law of the Petitioner, i.e., Sri Talasani Manohar Reddy, on the file of WPS, Hyderabad wherein the Petitioner is Accused No.1 for the offences Under Section 498-A, 406 IPC, Section 3 and 4 of D.P. Act without following due procedure of law, wherein the petitioner was informed about the said criminal case through email on 22.09.2023. But the police without considering the same had issued LOC against the petitioner.

e) Therefore, the issuance of the impugned lookout circular dated 07.04.2023 by the 1st Respondent on the request of 2nd Respondent is an arbitrary exercise of power, abuse of authority and no reasons have been supplied by the Respondents to the Petitioner for issuing the LOC. Aggrieved by the issuance of said LOC, the present Writ Petition is filed.

5. The learned counsel appearing on behalf of the Petitioner mainly put-forth the following submissions :

- i. The police at the behest of the Respondent No.3 who is having political influence had registered a criminal case against the Petitioner and his family members without conducting preliminary enquiry, which is bad in law.

- ii. The registration of the criminal case is intimated to the Petitioner vide e-mail dated 22.09.2023.
- iii. Copy of LOC has not been served on the Petitioner till as on date.
- iv. The impugned LOC issued against the Petitioner is without application of mind and in clear violation of Article 14, 19 and 21 of the Constitution of India.
- v. The Petitioner is ready and willing to co-operate with the conduct of the trial of the case and question of absconding and avoiding court proceedings does not arise.

The learned counsel appearing on behalf of the Petitioner on the basis of the aforesaid submissions submits that the writ petition should be allowed as prayed for.

6. The learned counsel appearing on behalf of the 2nd Respondent mainly puts-forth the following submissions:

- a) The 3rd respondent had lodged a complaint before the 2nd respondent with regards to matrimonial disputes and pursuant to the said complaint, a case was registered in Crime No. 211 of 2023 under Sections 498-A, 406 of IPC, Sec 3 & 4 of Dowry Prohibition Act against the petitioner/ A-1 and 3 others and thereafter, investigation has taken place as well

as notices were served to the petitioner/A-1 along with the other accused persons through what's App.

b) The investigating officer made a requisition to the Deputy Commissioner of Police, CCS, DD, Hyderabad for issuance of Look Out Circular (LOC) against the petitioner. Thereupon, the concerned department issued LOC against the petitioner and upon completion of the investigation, charge sheet has been filed vide C.C No. 160/2023 and the case is pending before the XIII Addl. Chief Metropolitan Magistrate at Nampally, Hyderabad with a prayer to issue a Non-Bailable Warrant against the petitioner and other accused persons who are absconding since the registration of Criminal case.

c) Moreover, the 2nd respondent is discharging legitimate duty and apart from investigation they did not harass, threaten or interfere with the life and liberty of the petitioner nor the 2nd respondent has taken any coercive steps against the petitioner in any manner.

d) This court has granted interim orders dated 05.01.2024 passed in I.A No. 1 of 2024 in W.P No. 515 of 2024, suspending the LOC for a period of one week from the said

date (05.01.2024). However, when the case is pending trial and the summons is pending against the petitioner, the petitioner cannot obtain the interim direction as it hinders the trial process. Hence, the Writ Petition is devoid of merits and is liable to be dismissed and as such the interim order is liable to be vacated.

7. The Learned Counsel appearing on behalf of the Respondent No. 3, mainly puts-forth the following submissions:

a) The 3rd respondent had lodged a complaint before the 2nd respondent with regards to matrimonial disputes and pursuant to the said complaint, a case was registered in Crime No. 211 of 2023 under sections 498-A, 406 of IPC, Sec 3 & 4 of Dowry Prohibition Act against the petitioner and the same was informed to the petitioner through emails dated 20.09.2023 and 22.09.2023.

b) However, the petitioner neither co-operated nor attended before the investigating officer for the investigation and trial of the case. Therefore, the 2nd respondent/police after following due procedure contemplated under the

Lookout Circular and the guidelines issued the LOC against the petitioner. Therefore, if the petitioner has any grievance he has to approach the court below where the case is pending i.e., C.C No. 160 of 2023 on the file XIII Addl. Chief Metropolitan Magistrate at Nampally, Hyderabad by filing appropriate petition or to approach the Superintendent of Police for the purpose of withdrawal of LOC, and give proper security or undertaking that the writ petitioner will be present and appear and participate in a trial in C.C.No. 160 of 2024.

c) Moreover, the petitioner is not living in India and he is staying in United States of America and it is very difficult to secure his presence in the criminal case which is pending against him, petitioner neither cooperated with the investigating agency nor appeared at any point of time before the trial court. Due to non-appearance by the petitioner either before the trial court or before the investigating officer, the trial court has not yet proceeded with the trial of the case which is causing delay in the proceedings as well.

d) The alleged actions which are initiated by the petitioner before the Courts at United States of America have nothing to do with the complaint which was lodged by the 3rd respondent

as the marriage took place in Hyderabad on 24.03.2019 and the petitioner and his wife lived some time in Hyderabad.

e) The petitioner herein filed the writ petition and obtained the ex-parte interim orders on 05.01.2024 in W.P.No.515 of 2024 and this Court has granted interim orders for a period of one week. However, there are no grounds/reason for interference of this Court and his presence is required in C.C.No.160 of 2024 for conduct of trial. Moreover, the petitioner is planning to leave the country under the guise of the said interim orders. Hence, the Writ Petition is devoid of merits and is liable to be dismissed.

Learned counsel appearing on behalf of the 3rd respondent further contends that the petitioner is not entitled for the relief as prayed for in the present writ petition and hence, the writ petition is liable to be dismissed.

DISCUSSION AND CONCLUSION :

8. A bare perusal of the counter affidavit and vacate stay petition filed by the Respondent No.2 herein clearly indicates that upon the requisition made by the

Investigation Officer to the Deputy Commissioner of Police, CCS DD, Hyderabad for issuance of Look Out Circular against the Petitioner/A1, the concerned Department had issued the Look Out Circular and after completion of Investigation charge sheet has been filed vide C.C.No.160/2024 and the case is pending before the Hon'ble XIII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad. Nowhere in the counter affidavit filed by the 2nd Respondent a specific plea is taken that the Petitioner herein did not cooperate with the investigation or a specific plea is taken that the Petitioner is intending to avoid the court proceedings though an application has been filed before the concerned court for issuance of Non-Bailable Warrant against the Petitioner and the other accused stating that they have been absconding since the registration of the said criminal case which submission however is disputed by the learned counsel appearing on behalf of the Petitioner who contends that the Petitioner is ready and willing and undertakes to co-

operate with the conduct of the Court proceedings including the trial.

9. This Court opines that the Look Out Circular should be issued in exceptional circumstances and on cogent reasons and the same cannot be permitted to be issued in a mechanical manner.

10. A bare perusal of Sub-para J of Office Memorandum dated 22.02.2021 (referred to and extracted above) mandates that a LOC shall remain in force until and unless a deletion request is received by the Bureau of Immigration from the Originator and that no LOC shall be deleted automatically. Although this clause J cast an obligation on the originating agency to review the LOC on a quarterly/annual basis and submit proposals for deletion of the same, the same however is not followed strictly by the authorities concerned. In the present case the LOC have been issued against the Petitioner in the year 2023 and subsequently however has not been reviewed as mandated at sub-para J of the Office Memorandum dated 22.02.2021.

11. A bare perusal of Sub-para L of the circular dt.22.02.2021 (referred to and extracted above) clearly indicates that LOCs could be issued in exceptional cases where the departure of the person concerned will be detrimental to the sovereignty, security and integrity of India or is detrimental to the bilateral relations with any country or to the strategic and/or economic interests of India or that person may potentially indulge in an act of terrorism or offence against the State, if such person is allowed to leave or where travel ought not be permitted in the larger public interest at any given point of time. This Court is of the firm opinion that lookout circular can be issued on the specific grounds stated in Sub-para L of the OM dt.22.02.2021 (referred to and extracted above). The ground used against the Petitioners herein is that the Petitioner would abscond and not co-operate with the Court proceedings. This Court opines that the Police can resort to LOC only in drastic contingencies and it is not the case that the Petitioner herein would not co-operate with the trial and the Court proceedings.

12. The look out circular issued against the petitioner is contrary to sub-para J and L of the Office Memorandum dated 22.02.2021 and therefore, this Court opines that the 2nd Respondent herein cannot have any continuing reasons to interfere with the Petitioner's personal liberty and Petitioner's right to travel outside the country.

13. Few judgments of the Apex Court and other Courts pertaining to right to liberty and lookout circulars and the observations made there under :

A. The Apex Court in judgment reported in 2013 (15) SCC page 570 in Sumit Mehta v State of NCT of Delhi at para 13 observed as under :

"The law presumes an accused to be innocent till his guilt is proved. As a presumable innocent person, he is entitled to all the fundamental rights including the right to liberty guaranteed under Article 21 of the Constitution of India."

B. The Apex Court in "MENAKA GANDHI VS. UNION OF INDIA AND ANOTHER" reported in AIR 1978 SC 597, and in "SATISH CHANDRA VERMA v. UNION OF INDIA

(UOI) AND OTHERS” reported in 2019 (2) SCC Online SC 2048 very clearly observed that the right to travel abroad is a part of a personal liberty.

C. The Apex Court way back in 1967, in Judgment reported in AIR 1967 SC 1836, in **“Satwant Singh Sawhney v. D. Ramarathnam, Assistant Passport Officer** held that the right to travel abroad falls within the scope of personal liberty enshrined under Article 21 of the Constitution of India and **that no person can be deprived of his right to travel except according to the procedure established by law.**

D. In the case of **E.V.Perumal Samy Reddy v State,** reported in 2013 SCC online Mad 4092, the Madras High Court while setting aside an LOC, observed as under:

“9. It is basic that merely because a person is involved in a criminal case, he is not denude of his Fundamental Rights. It is the fundamental of a person to move anywhere he likes including foreign countries. One's such personal freedom and liberty cannot be abridged.[See: Article 21 Constitution of India]. In the celebrated in MENAKA GANDHI Vs. UNION OF INDIA[AIR 1978 SC 597], the Hon'ble Supreme Court

upheld the constitutional right of persons to go abroad. The phrase no one shall be deprived of his "life and liberty" except procedure established by law employed in Article 21, had deep and pervasive effect on fundamental right and human right. MENAKA GANTHI (supra) ushered a new era in the annals of Indian Human Rights Law. It had gone ahead of American concept of 'Due Process of Law'.

10. But, the fundamental right to move anywhere including foreign countries could be regulated. Where persons involved in criminal cases are wanted for investigation, for court cases, persons, who are anti-social elements their movements can be regulated. Need may arise to apprehend persons, who have ability to fly, flee away the country. **So, L.O.C. orders are issued. It is an harmonius way out between a person's fundamental right and interest of the society/state. But, in any case, it must be fair and reasonable. It should not be indiscriminate without any reason or basis.**

D. **In the case of Rana Ayyub v Union of India and another W.P. (CRL) 714/2022, reported in 2022 SCC Online Del 961 the Delhi High Court at paras 12 and 13 of the said judgment observed as under:**

"12. In the particular facts of the case, it becomes evident that the LOC was issued in haste and despite the absence of any precondition necessitating such a measure. **An LOC is a coercive measure to make a person surrender and consequentially interferes with petitioner's right of personal liberty and free movement. It is to be issued in cases where the accused is deliberately evading summons/arrest or where such person fails to appear in Court despite a Non-Bailable Warrant.** In the instant case, there is no contradiction by the respondent to the submission of the petitioner that she has appeared on each and every date before the Investigating Agency when summoned, and hence, there is no cogent reason for presuming that the Petitioner would not appear before the Investigation Agency and hence, no case is made out for issuing the impugned LOC.

13. The impugned LOC is accordingly liable to be set aside as being devoid of merits as well as for infringing the Human right of the Petitioner to travel abroad and to exercise her freedom of speech and expression. For the reasons discussed above, the impugned LOC is set aside and quashed.

E. **In the case of Soumen Sarkar v State of Tripura, represented by the Secretary, Home Department and**

others reported in 2021 SCC online Tri 143, the High Court of Tripura on perusal of MHA's Office Memorandum dated 31.08.2010, stated that the reasons for opening LOC must be given categorically. **It was held that LOCs could not be issued as a matter of course, but only when reasons existed and the accused deliberately evaded arrest or did not appear in the trial Court.**

F. **In the case of Karti P.Chidambaram v Bureau of Immigration, reported in 2018 SCC online Mad 2229, the Hon'ble Madras High Court observed as under:**

"LOCs cannot be issued as a matter of course, but when reasons exist, where an accused deliberately evades arrest or does not appear in the trial Court. **The argument of the learned Additional Solicitor General that a request for Look Out Circular could have been made in view of the inherent power of the investigating authority to secure attendance and cooperation of an accused is contrary to the aforesaid circulars and thus, not sustainable.**

74. It is, in the view of this Court, too late in the day to contend that whether or not to issue an LOC, being an executive decision, the same is not subject to judicial review. It is now well settled that any decision, be it

executive or quasi-judicial, is amenable to the power of judicial review of the writ Court under Article 226 of the Constitution of India, when such decision has adverse civil consequences. An LOC, which is a coercive measure to make a person surrender and consequentially interferes with his right of personal liberty and free movement, certainly has adverse civil consequences. This Court, therefore, holds that in exercise of power of judicial review under Article 226 of the Constitution, the writ Court can interfere with an LOC.

14. This Court is of the firm opinion that there is no reason to allow the impugned lookout circular issued against the Petitioner based on Crime No.211/2023, dt. 07.04.2023, on the file of Women Police Station, DD, Hyderabad. This Court opines that a lookout circular issued in exercise of inherent power of the Investigating Authority to secure attendance and co-operation of an accused as in the present case, is contrary to sub-paras J and L of the circular dated 22.02.2021 (referred to and extracted above). An LOC which is a coercive measure to make a person surrender and consequentially interfere with his right of

personal liberty and free movement certainly has adverse civil consequences and the same should not be resorted to in a routine manner except in compelling and extraordinary circumstances. In the present case a Notice U/s.41-A of the Criminal Procedure Code has been issued by the Police and charge sheet has also been filed and if the Police have apprehensions about non-cooperation of the Petitioner in the conduct of Court proceedings or trial it is always open to the Police to make an appropriate application before the Court concerned, but the Respondent Police cannot continue the LOC for years.

15. In the case on hand admittedly the Petitioner is an employee working in United States of America and the offences alleged against the Petitioner are not grave offences. They are offences under section 498-A, 406 of IPC and Section 3 & 4 of Dowry Prohibition Act. By virtue of opening an LOC against the Petitioner and continuing the same indefinitely there is every chance that the Petitioner would loose his job and would be put to serious hardship.

16. Taking into consideration the aforesaid facts and circumstances of the case and duly taking into consideration the law laid down by the Apex Court and other High Courts in various judgments (referred to and extracted above), and in the light of the discussion as arrived at as above, the writ petition is allowed and the respondents are directed to forthwith withdraw the lookout circular issued against the Petitioner based on Crime No.211 of 2023 dated 07.04.2023 on the file of Women Police Station, DD, Hyderabad,. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

SUREPALLI NANDA, J

Dated: 26.02.2024

Note: L.R. copy to be marked

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