



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3331]

WEDNESDAY, THE TWELFTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 4788/2025

Between:

1.BAGADI SANTOSH KUMAR, S/O LATE RAM CHANDRA NAIDU.B
AGED 39 YEARS, R/O FLAT NO. 528, FLOOR, FLORA DELIGHT
APARTMENTS, REVALLAPALEM, MADHURWADA,
VISAKHAPATNAM (RURAL), ANDHRA PRADESH - 53004

...PETITIONER

AND

1.UNION OF INDIA, REP. BY SECRETARY, MINISTRY OF HOME
AFFAIRS, GOVERNMENT OF INDIA SOUTH BLOCK, NEW DELHI -
110 001.

2.BUREAU OF IMMIGRATION, MINISTRY OF HOME AFFAIRS,
GOVERNMENT OF INDIA, REP. BY ITS COMMISSIONER
(IMMIGRATION), EAST BLOCK - VIII, LEVAL - V, SECTOR, 1, R.K.
PURAM, NEW DELHI - 110 066.

3.BUREAU OF IMMIGRATION, MINISTRY OF HOME AFFAIRS,
GOVERNMENT OF INDIA, REP. BY ITS JOINT DIRECTOR
(IMMIGRATION), NORTH BLOCK, NEW DELHI - 110 066.

4.THE DIRECTOR GENERAL OF POLICE, DGPOFFICE, 6 BN, A.P.S.P.,
MANGALAGIRI TOWN, GUNTUR DISTRICT.

5.THE SUPERINTENDENT OF POLICE, VISAKHAPATNAM ,
VISAKHAPATNAM DISTRICT ANDHRA PRADESH.

6.THE STATION HOUSE OFFICER, AIRPORT POLICE STATION,
VISAKHAPATNAM VISAKHAPATNAM DISTRICT, AP

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a direction or Order more like Writ of Mandamus declaring the Look-Out Circular (LOC) issued against Petitioner by the Respondents 1 to 3 at the instance of Respondents 4 to 6 in Crime No. 319 of 2024 Airport Police Station, Visakhapatnam of Visakhapatnam, Andhra Pradesh as arbitrary, illegal, ultra vires, and Unconstitutional and to consequently set aside the same and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case, and pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Look-Out Circular ((LOC) issued against Petitioner by Respondents 1 to 3 at the instance of Respondents 4 to 6 in in Crime No. 319 of 2024 Airport Police Station, Visakhapatnam of Visakhapatnam, Andhra Pradesh pending disposal of the main criminal petition pending disposal of the above writ petition and pass

Counsel for the Petitioner:

1.Dr.SATTARU RAJANI

Counsel for the Respondent(S):

1.GP FOR HOME

2.O UDAYA KUMAR (CENTRAL GOVT COUNSEL)

The Court made the following:**::ORDER::**

Heard Dr. Sattaru Rajani, learned counsel for the petitioner; Sri Ajay, learned Assistant Government Pleader for Home, appearing for respondents 4 to 6 and Sri O.Uday Kumar, learned Central Government counsel appearing for respondents 1 to 3.

2. The above writ petition is filed to declare the Look-Out Circular issued against the petitioner by respondents 1 to 3 at the instance of 4 to 6 in Criminal No.319 of 2024, Airport Police Station, Visakhapatnam, as illegal and arbitrary and a violation of Article 21 of Constitution of India.

3. The petitioner has been working as a Manager in Capgemini Australia. He came to India on 01.02.2025 to attend the last rites of his father-in-law. The petitioner was detained in Visakhapatnam Airport, and he was informed about the Look-Out Circular pending against him.

4. Smt Thammineni Jyothsna Rani, filed a complaint against the petitioner, mother, sister and another alleging harassment before Disha Police Station, Visakhapatnam. The Police registered the case in Crime No.670 of 2021 for the offences under Sections 498A, 506, 323 of IPC and under Sections 3 & 4 of the Dowry Prohibition Act, 1961. Later the Police filed a charge sheet on the file of the I Additional Chief Metropolitan Magistrate, Visakhapatnam. The same is numbered as C.C.No.2568 of 2021.

5. Learned counsel for the petitioner would submit that notice under Section 41A Cr.P.C was issued to the petitioner and others, who cooperated during the investigation.

6. The petitioner is not aware of the filing of a charge sheet in Crime No.670 of 2021. The petitioner left for Australia on 01.05.2024 because of his employment.

7. The petitioner filed F.C.O.P.No.23 of 2023 under Section 13(1)(ia) of Hindu Marriage Act, 1955, seeking divorce. The F.C.O.P.No.23 of 2023 was allowed on 28.06.2023 by dissolving the marriage solemnized on 19.08.2014. Smt Tammineni Jyothsna Rani remained exparte in the F.C.O.P.No.23 of 2023, as seen from the judgement. After the marriage between the petitioner and Smt Thammineni Jyothsna Rani was dissolved, the charge sheet was filed in Crime No.670 of 2021 the same was numbed as C.C.No.2568 of 2021.

8. Learned counsel for the petitioner would also submit that after the dissolving of the marriage by the competent Court, the petitioner married Smt

U.Swathi on 07.08.2024. Thereafter Smt Thammineni Jyothsna Rani filed another complaint before Airport Police on 10.09.2024. The same was registered as Crime No.319 of 2024 dated 17.09.2024 for the offences under Sections 85 & 82 of the BNS Act, 2023.

9. The 5th respondent issued a Look-Out Circular, in the said crime, against the petitioner and the same was forwarded to respondents 1 to 3.

10. Learned counsel for the petitioner would submit that issuance of a Look-Out circular cannot be resorted routinely. Learned counsel relied upon the judgment in **Avinash Reddy Paladugu vs. Bureau of Immigration (BOI), Ministry of Home Affairs, Government of India, New Delhi and others**¹.

11. The learned Assistant Government Pleader for Home, on instructions, would submit that the Police registered a case against the petitioner and others *vide* FIR No.319 of 2024 on 17.09.2024 for the offences under Sections 85 & 82 of BNS Act, 2023. The family members of the petitioner have not cooperated during the investigation. Hence, the investigation officer requested the 5th respondent to issue a Look-Out circular. He would also submit that the family members of the petitioner did not inform the petitioner's address in Australia. The respondents did not harass the petitioner except discharge of duties.

Consideration:

12. In **Avinash Reddy Paladugu** case, the learned Single Judge of Telangana High Court, considered issuance of Look-Out Circular vis-à-vis a crime registered under Section 498A IPC.

13. The learned Single Judge relied upon the judgment of the Apex Court in **Sumit Mehta vs. State of NCT of Delhi**², regarding the proposition that 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

¹ 2024 (4) ALD 145

² (2013) 15 SCC 570

including the right to liberty guaranteed under Article 21 of the Constitution of India. The learned Single Judge also relied upon the judgment of the Apex Court in **Menaka Gandhi vs. Union of India and another**³ and **Satish Chandra Verma vs. Union of India (UOI) and others**⁴, to the proposition that the right to travel abroad is a part of personal liberty.

14. In **E.V.Perumal Samy Reddy vs. State**⁵, 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 WP_515_2024 SN,J 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 arose 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."

15. Eventually, a direction was issued to the petitioner to withdraw the Look-Out Circular forthwith.

16. A Look-Out Circular was issued cannot be cancelled unless the originator withdraws the Look-Out Circular. The guidelines on the Look-Out

³ AIR 1978 SC 597

⁴ 2019 (2) SCC Online SC 2048

⁵ 2013 SCC Online Mad.4092

Circular were issued by the Ministry of Home Affairs *vide* OM No.25016/10/2017-Imm (pt.) dated 22.02.2021.

17. Sub-para J of Office Memorandum dated 22.02.2021 mandates that a Look-Out Circular shall remain in force until and unless a deletion request is received by the Bureau of Immigration from the Originator and that no Look-Out Circular shall be deleted automatically. Indeed, clause J also casts an obligation on the originating agency to review the Look-Out Circular on a quarterly/annual basis and submit proposals for deletion of the same.

18. Sub-para L of the circular dt.22.02.2021 indicates that Look-Out Circulars 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.

19. In the case at hand, as observed *supra*, the case registered against the petitioner is under Sections 85 & 82 of the BNS Act, 2023. The instructions mentioned in Sub-para L of the circular, the case hand may not warrant issuance of LOC. By the date of registering the crime, the petitioner resides in Australia and thus the petitioner may not be aware of the issuance of the Look-Out Circular. The authority, in the considered opinion of this court, shall apply its thoughts to the facts of each case before issuing LOC. A Look-Out Circular which is a coercive measure to make a person surrender and consequentially interfere with his right to personal liberty and free movement certainly has adverse civil consequences.

20. In the case at hand, the Police already served notice under Section 35(3) of BNSS. The petitioner, in fact, furnished sureties, and cooperated with the investigation. Issuance of LOC, in the peculiar facts of this case, is unwarranted.

21. Given the facts and circumstances of the case, the 5th respondent shall withdraw the Look-Out Circular issued against the petitioner in connection with Crime No.319 of 2024 on 17.09.2024, Airport Police Station, Visakhapatnam forthwith.

22. Since the petitioner is accused in C.C.No.2568 of 2021 on the file of the I Additional Chief Metropolitan Magistrate, Visakhapatnam, and summons were already served in the criminal case, the petitioner shall cooperate for expeditious disposal of the criminal case.

23. At this juncture, learned counsel for the petitioner would fairly submit that the petitioner has to make an appropriate application in C.C.No.2568 of 2021 on the file of the I Additional Chief Metropolitan Magistrate, Visakhapatnam, and after getting permission, he can go abroad for the job. Given the same, liberty is given to the petitioner to file an appropriate application before learned I Addl Chief Metropolitan Magistrate in C.C.No.2568 of 2021. If such an application is filed, the learned I Additional Chief Metropolitan Magistrate, Visakhapatnam shall consider and pass appropriate orders, keeping in view, the fact that the petitioner has to report to the employer on 15.03.2025.

23. With the above observations the writ petition is allowed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

SUBBA REDDY SATTI, J

Dated: 12.03.2025
SNI

63

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 4788/2025

Dated: 12.03.2025
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