APHC010037382026

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

**[3327]**

WEDNESDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

**PRESENT
THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY**

**WRIT PETITION NO.2269 OF 2026**

**Between:**

[redacted] **...PETITIONER**

**AND**

The Union of India and others **...RESPONDENTS**

**Counsel for the Petitioner:**
1. G SEENA KUMAR

**Counsel for the Respondents:**
1. Dy. Solicitor General of India
2. GP for Home

**The Court made the following ORDER:**

The Writ Petition is filed seeking to declare the action of respondent Nos.3 to 6 in issuing Look-out Circular (LOC) against the petitioner in connection with Crime No.77 of 2025 of Mahila UPS, Visakhapatnam, Visakhapatnam Commissionerate, registered for the offences punishable under Section 85 of the

Bharatiya Nyaya Sanhita, 2023 (Section 498-A IPC old) and Sections 3 and 4 of the Dowry Prohibition Act, as illegal and arbitrary and consequently to set aside the Look-Out Circular issued against the petitioner enabling him to travel from Visakhapatnam to Abu Dhabi on 08.02.2026.

2. Case of the petitioner is that he is working as an Electrical Technician in Emirate Global Aluminium Dubai. He married one Satyavarapu Kavitha on 14.02.2021. After they blessed with a child, his wife filed a case in DVC No.21 of 2024 on the file of the learned VII Additional Judicial Magistrate of First Class-cum-VII Additiobnal Senior Judge, Visakhapatnam. Petitioner filed FCOP No.699 of 2024 seeking divorce and his wife filed FCOP No.1553 of 2025 for maintenance before the learned Additional Judge, Family Court-II, Visakhapatnam. On 15.04.2025, petitioner's wife filed a case in Crime No.77 of 2025 on the file of the Mahila Urban Police Station, Visakhapatnam, for the offences punishable under Section 85 of the Bharatiya Nyaya Sanhita, 2023 (Section 498-A IPC old) and Sections 3 and 4 of the Dowry Prohibition Act. On receiving the notice in the said crime, he appeared before the Mahila Police Station on 26.04.2025 and he was enlarged on bail and returned to Dubai on 28.04.2025. Police filed charge sheet in the above crime, which was numbered as CC No.2753 of 2025 on the file of the learned I Additional Chief Judicial Magistrate, Visakhapatnam. Petitioner states that when the case in FCOP No.1553 of 2025 was posted to 17.01.2026, he applied leave and arrived to Visakhapatnam Airport from Abu Dhabi on 14.01.2026. Then the Airport police apprehended him on the ground that

Look-out Circular was issued against him and later he was released on furnishing sureties.

3. Learned counsel for the petitioner submits that due to pendency of LOC issued against him, the petitioner was unable to leave India and extended his leave for one week. He has to report for duty on 09.02.2026 and the departure date is on 08.02.2026. If the petitioner is retained under the guise of LOC, he would lose his job at Dubai.

4. The learned counsel relied on a decision in *Rana Ayyub v. Union of India and another*[1], wherein it was held thus (paragraphs 11 and 12).

> "11. 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

[1] Order dated 04.04.2022 passed by the High Court of New Delhi in W.P. (CRL) 714 of 2022

Petitioner would not appear before the Investigation Agency and hence, no case is made out for issuing the impugned LOC.

12. 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. However, a balance has to be struck qua the right of the investigation agency to investigate the instant matter as well as the fundamental right of the petitioner of movement and free speech."

5. He also placed reliance on a decision in *Mannoj Kumar Jain & another v. Union of India & others*[2], wherein it was held thus: (paragraphs 20, 21 and 22).

"20. Apart from the reach of Look Out Circulars to cause immediate and irrevocable violation of a person's fundamental right of movement, Look Out Circulars have an inexplicably long shelf-life. Sub-paragraph J of the OM dated 22.02.2021 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 these clauses cast an obligation

[2] Order dated 09.06.2023 passed by the High Court of Calcutta in WPA No.22748 of 2022

on the originating agency to review the LOC on a quarterly / annual basis and submit proposals for deletion of the same, this is sadly found to be absent in most cases. Once a Look Out Circular is issued, it remains alive and kicking for almost all times to come. This spells dangerous repercussions on the person's right to freely move across and beyond the country and remain mobile. The Banks have been given untrammeled powers to issue, use and exploit the lock-in power of a Look Out Circular without sufficient recourse being provided in law to the person at the receiving end of it. The expressions "... detrimental... to the economic interest of India" in the concerned OM is sufficient to sharpen the talons of a vindictive Bank to clip the wings of a vulnerable prey (in the metaphoric sense). The Writ Court hence can and should step in to check such unregulated abuse of power by Banks where the facts demand relief.

21. In view of the above reasons, the respondent No.8 Indian Overseas Bank cannot have any continuing reason to interfere with the petitioners' travel outside the country. The interference sought to be imposed by way of the Look Out Circular is arbitrary and without any rational basis. The CBI Courts, where the cases are pending, are free to pass orders or impose conditions as the Courts may deem fit. The petitioners have not claimed any reliefs against those proceedings in the writ petition. This Court however sees no reason to allow

the impugned Look Out Circular to remain or be used against the petitioners in the absence of any acceptable apprehension, let alone evidence, shown on behalf of the Bank.

22. WPA 22748 of 2022 is accordingly allowed by quashing the impugned Look Out Circular issued by the respondent No.8 Bank. The respondent No.8 and the other respondents shall not continue to give any further effect to the Look Out Circular which would have the effect of preventing the petitioners to travel outside India. The writ petition and all connected applications are disposed of accordingly."

6. On the other hand, learned Assistant Government Pleader for Home contended that if the Look Out Circular is cancelled, there is every likelihood of petitioner avoiding judicial process, and hence, he prayed to dismiss the Writ Petition.

7. Heard. Perused the record.

8. In the case on hand, petitioner states that after receiving summons in the above said cases, he has been regularly attending before the Court below. When the case in FCOP No.1553 of 2025 was posted to 17.01.2026, he applied leave and arrived to Visakhapatnam Airport from Abu Dhabi on 14.01.2026. Then the Airport police apprehended him on the ground that Look-out Circular was issued against him and later he was released on furnishing sureties. At present, there is no NBW or any coercive process pending against him. He has been fully

cooperating with the Investigating agency and regularly appearing before the Courts below on all adjournments. Despite his cooperation with the Investigating agency, the LOC was issued against him illegally, without any prior notice to him. Petitioner states that due to pendency of LOC against him, he was unable to leave India and extended his leave for one week. He has to report for duty on 09.02.2026 and the departure date is on 08.02.2026. If the petitioner is retained under the guise of LOC, he would lose his job at Dubai. In such circumstances, it is essential for the petitioner herein to travel to Dubai on his employment purpose. Look Out Circular causes an immediate and irrevocable violation of a person's fundamental right of movement.

9. Admittedly, by virtue of opening of the Look Out Circular, personal liberty of the person is curtailed. The LOCs are only the circular instructions that have been issued by the respondent/police only with a view to detain a person or to see that he will cooperate with the trial. Of late, in each and every case that has been registered under Section 498-A IPC, it has become common for the respondent/police, without looking into the aspects whether the petitioner is cooperating with the trial or he is evading arrest, to open the LOCs in mechanical manner. It is essential that the police have to open LOCs against the persons who are the accused for grave offences or the persons who are involved in financial irregularities or the offences which are against the Society. In such cases, the respondent/police can resort in opening the LOCs against the accused, not permitting

them to leave the country. If the accusation against the accused persons is such that it is detrimental to the Nation, then LOC can be issued. In the case on hand, the offence alleged is under Section 498-A IPC and the offence is not so grave and if the petitioner is not permitted to travel abroad as a part of his employment, by virtue of opening LOC, the petitioner would suffer irreparable loss. These aspects have to be seen on the touchstone of the Article 21 of the Constitution of India. By virtue of opening LOC the personal liberty of the person would be affected. On mere registration of a case for the offence under Section 498-A IPC, opening of the LOC against the accused, will affect his career. In most of the cases under matrimonial offences, it may end in compromise or it will take much time for the case to come up for hearing. As such, it is not necessary for the respondent/police to open LOC against the petitioner herein.

10. Sub-para (L) of the Guidelines on the Look-out Circular issued by the Ministry of Home Affairs, vide OM No.25016/10/2017-Imm (pt), dated 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.

11. Going by the stipulation in the Office Memorandum dated 22.02.2021 issued by the Ministry of Home Affairs, petitioner would not in any way come within the purview of the parameters that have been laid down in Sub-para (L) of the Circular.

12. In view of the aforesaid facts and circumstances and keeping in view the principles laid down in the aforesaid precedents, this Court is of the opinion that continuance of the Look Out Circular issued against the petitioner would not be required. Accordingly, the Writ Petition is allowed and the Look Out Circular (LOC) issued against the petitioner is hereby quashed. There shall be no order as to costs.

As a sequel thereto, the interlocutory applications, if any, pending in the Writ Petition shall stand closed.

**K. SREENIVASA REDDY, J**

Date: 04.02.2026

**Note**:
Issue CC today
(B/O)
Nsr

**THE HON'BLE SRI JUSTICE K.SREENIVASA REDDY**

**Writ Petition No.2269 of 2026**

**Date: 04.02.2026**

Nsr