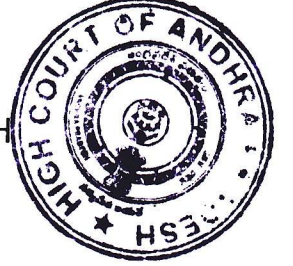




IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)



THURSDAY, THE TWENTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 6277 OF 2024

Between:

1. Nalajala Sridhar, son of Buchi Babu, aged 44 years, Presently at 132 Gladstone RD, Parsippany, New Jersey, USA.
 2. Danda Nandini; wife of Nalajala Sridhar aged 41 years. Presently at 132 Gladstone RD, Parsippany, New Jersey, USA
- Both rep. by his Spl. Power of Attorney Karnam Ramesh Babu son of Juvvulaiah Naidu, Aged 52 years. Door No.25-2-2070 Padmavathi Centre, Podalakur Road Nellore Town , SPSR Nellore District, AP

...Petitioners

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, Level - 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, DGP Office, 6BN,A.P.S.P., Mangalagiri Town, Guntur District.

5. The Superintendent of Police, Nellore Town, SPSR Nellore District Andhra Pradesh.
6. The Station House Officer, Disha Women Police Station, Nellore SPSR Nellore District, AP
7. Smt Maganti Hemalatha, W/o Danda Naveen Kumar, aged about 32 years, R/o 26-2-1563, Venkatarededy Nagar, Vedayapalem, Nellore City, Nellore District.

R7 is impleaded as per the Court's order dt. 20.03.2025 in IA No. 2/2024 in writ petition and affidavit.

...Respondents

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 Petitioners (Nalajala Sridhar and Danda Nandini) by the Respondents 1 to 3 at the instance of Respondents 4 to 6 in CC No. 1658 of 2022 on the file of the Judicial First Class Magistrate, Special Mobile Court, Nellore in Crime No.340 of 2021 of Disha Police Station, Nellore Town of SPSR Nellore District, 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.

IA NO: 1 OF 2024

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 Petitioners by Respondents 1 to 3 at the instance of Respondents 4 to 6 in CC No. 1658 of 2022 on the file of the JFCM, Special Mobile Court, Nellore in Crime No.340 of 2021 of Disha Police Station, Nellore Town of SPSR Nellore District, Andhra Pradesh pending disposal of the main criminal petition pending disposal of the above writ petition.

THE HON'BLE SRI JUSTICE HARINATH. N**WRIT PETITION No.6277 of 2024****ORDER :**

The 1st petitioner is arraigned as Accused No.5 and the 2nd petitioner is arraigned as Accused No.4 in CC.No.1658 of 2021. CC.No.1658 of 2021 is filed by the 7th respondent against her husband as Accused No.1 alleging offence under Section 420, 498-A of IPC and Section 3 and 4 of DP Act, her father-in-law and mother-in-law as Accused Nos.2 and 3. The 2nd petitioner is arraigned as Accused No.4. Section 41-A Cr.P.C., was served to Accused Nos.2 and 3. As seen from the charge sheet no notice was served to Accused Nos.1, 4 and 5 as they are residents of USA.

2. The learned counsel appearing for the petitioners submits that though the petitioners are unconnected with the marital disputes of Accused No.1 and the defacto complainant of CC.No.1658 of 2021. They are roped in as co-accused. It is also submitted that this Court in WP.No.24549 of 2023 had quashed the Look Out Circular (LOC) against the Accused No.1 on 07.10.2023.
3. It is further submitted that after marriage of the Accused No.1 and the 7th respondent they stayed for some time in Kualam Lumpur

- and thereafter shifted to USA. Some disputes arose between them at USA, however, the 7th respondent has filed a complaint in India.
4. The Look Out Circular issued by the police is pending against Accused Nos.4 and 5 and this Court directed the Assistant Government Pleader to place copy of the Look Out Circular on record vide order dated 30.12.2024. The LOC Suspect No.2244669 to 2244670 is pending against the petitioners. These LOCs were issued at the instance of Additional Director General Police, CID, AP in connection with Crime No.340 of 2021.
 5. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for the State and perused the material on record.
 6. The Look Out Circular was issued during pendency of investigation when the case against the petitioners was in the crime stage. Now that the police have filed charge sheet and CC.No.1658 of 2021 is pending for trial, continuance of Look Out Circular against the petitioners cannot be permitted.
 7. The Look Out Circular is issued after the police efforts to serve notice on the suspects/accused do not yield result and for securing their presence for the purpose of investigation Look Out Circular can be issued. In the present case as seen from the charge sheet after investigating crime the police have not made

any efforts to serve notices on the petitioners. It is surprising the note that in the present era where advance technology is available the police have not even made efforts to reach out the petitioners by any available methods. A convenient statement that LW.7 made all efforts to serve notices against Accused Nos.1, 4 and 5, but not possible as they are residing at 132, Glandstone, New Jersey, USA and filing the charge sheet by showing the Accused No.1 and the petitioners as absconding.

8. Continuance of LOC against the petitioners is an unreasonable restriction on their fundamental right under Article 21 of the Constitution of India. When this Court has quashed LOC against the Accused No.1, the petitioners cannot be made to suffer on account of pendency of the Look Out Circular against them which would certainly infringe upon the fundamental right of the petitioners.
9. On these considerations, this Court is of the considered view that the Look Out Circular (LOC)/Suspect No.2244669 to 2244670 deserves to be quashed.
10. Accordingly, the writ petition is allowed. No costs.

Pending miscellaneous petitions, if any, shall stands closed.

//TRUE COPY//

Sd/- N. NAGAMMA
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Secretary, Union of India, Ministry of Home Affairs, Government of India, South Block, New Delhi - 110 001.
2. The Commissioner (Immigration), Bureau of Immigration, Ministry of Home Affairs, Government of India, East Block - VIII, Level - V, Sector, 1, R.K. Puram, New Delhi-110 066.

3. The Joint Director (Immigration), Bureau of Immigration, Ministry of Home Affairs, Government of India, North Block, New Delhi - 110 066.
4. The Director General of Police, DGP Office, 6BN,A.P.S.P., Mangalagiri Town, Guntur District.
5. The Superintendent of Police, Nellore Town, SPSR Nellore District Andhra Pradesh.
6. The Station House Officer, Disha Women Police Station, Nellore SPSR Nellore District, AP
7. One CC to Sri. T Sreedhar Advocate [OPUC]
8. One CC to Smt. Nimmagadda Revathi, Advocate [OPUC]
9. One CC to Sri. Dilip Jayaram S (Central Government Counsel) [OPUC]
10. Two CCs to GP for Home, High Court of Andhra Pradesh [OUT]
11. Three CD Copies

gsc

HIGH COURT
DATED:20/03/2025

ORDER
WP NO. 6277 OF 2024



ALLOWING THE WP
WITHOUT COSTS