



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

[3207]

WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

**PRESENT
THE HONOURABLE SRI JUSTICE BATTU DEVANAND**

WRIT PETITION NO: 6770/2026

Between:

1. PARUCHURI NARESH, S/O. PARUCHURI RAMAKRISHNA
AGED ABOUT 37 YEARS, OCC PVT. EMPLOYEE, R/O. GVR
STREET, ELURU ROAD, GUDIVADA. KRISHNA DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, HOME DEPARTMENT, SECRETARIAT
BUILDINGS, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT-
522238

2. THE DIRECTOR GENERAL OF POLICE, STATE OF ANDHRA
PRADESH, POLICE HEAD QUARTERS AT MANGALAGIRI,
GUNTUR DISTRICT, ANDHRA PRADESH- 522503

3. THE SUPERINTENDENT OF POLICE, KRISHNA DISTRICT,
MACHILIPATNAM, ANDHRA PRADESH- 521 001

4. THE STATION HOUSE OFFICER, I TOWN POLICE STATION,
GUDIVADA, KRISHNA DISTRICT, ANDHRA PRADESH-521301

5. THE UNION OF INDIA, REP. BY ITS SECRETARY, MINISTRY OF
HOME AFFAIRS NEW DELHI-110001

6. BUREAU OF IMMIGRATION, REP. BY ITS COMMISSIONER,
IMMIGRATION, MINISTRY OF HOME AFFAIRS, GOVT. OF INDIA,
EAST BLOCK, VIII LEVEL, IV SECTOR-1, R.K. PURAM, NEW
DELHI-110066.

7. BUREAU OF IMMIGRATION, REP. BY ITS JOINT DIRECTOR, IMMIGRATION, MINISTRY OF HOME AFFAIRS, GOVT. OF INDIA, EAST BLOCK, VIII LEVEL, IV SECTOR-1, R.K. PURAM, NEW DELHI-110066.

...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 writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 3 to 5 herein in initiating and maintaining the Look Out Circular Regular LOC No.2026403054 dated 17.01.2026 in FIR No.188/2025 dated 13.11.2025, against the petitioner with the immigration authorities in connection with Crime No. 188 of 2025 on the file of the 4th respondent police station dated 13.11.2025 for the offences punishable under Section 85 of BNS and Section 4 of Dowry Prohibition Act, though the crime in FIR No. 188 of 2025 was challenged before this Hon'ble Court and thereby preventing the petitioner at immigration authorities at entries and exit points in India from travelling abroad as illegal, arbitrary and unconstitutional and oppose to all canons of justice consequentially, suspend the operation of the circular i.e. the Look Out Circular LOC No.2026403054 dated 17.01.2026 initiated by the 5th respondent upon the request of the 4th respondent in FIR No.188/2025 dated 13.11.2025 forthwith and pass

IA NO: 1 OF 2026

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 operation of the circular i.e. the Look Out Circular Regular LOC No.2026403054 dated 17.01.2026 initiated by the 5th respondent upon the request of the 4th respondent in FIR No. 188 of 2025 dated 13.11.2025 forthwith, pending disposal of the above writ petition and pass

IA NO: 2 OF 2026

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 May be pleased to permit the Petitioner to Implead the

Proposed Respondents No.6 and 7 as Party Respondents 6 and 7 in W.P.No.6770 of 2026, in the interest of justice and pass

Counsel for the Petitioner:

1. B S N NAIDU

Counsel for the Respondent(S):

1. MALLAMPALLI SRINIVAS (CENTRAL GOVT COUNSEL)

2. GP FOR HOME

The Court made the following:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND**WRIT PETITION No.6770 of 2026****ORDER: -**

This writ petition is filed by the petitioner under Article 226 of the Constitution of India with the following relief:

“...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent Nos.6 and 7 herein in initiating and maintaining the Look Out Circular Regular LOC No.2026403054 dated 17.01.2026 in FIR No.188/2025 dated 13.11.2025, against the petitioner with the Immigration Authorities in connection with Crime No.188 of 2025 on the file of the 4th respondent police station dated 13.11.2025 for the offences punishable under Section 85 of BNS and Section 4 of Dowry Prohibition Act, through the crime in FIR No.188 of 2025 was challenged before this Hon’ble Court and thereby preventing the petitioner at immigration authorities at entries and exit points in India from travelling abroad as illegal, arbitrary and unconstitutional and oppose to all cannons of justice consequentially, suspend the operation of the circular i.e., the Look Out Circular LOC No.2026403054 dated 17.01.2026 initiated by the 6th respondent upon the request of the 4th respondent in FIR No.188/2025 dated 13.11.2025 forthwith...”

2. The brief facts of the case of the petitioner is that the wife of the petitioner filed a case against him along with family members before the 4th respondent police station with several matrimonial allegations on 13.11.2025. After receipt of the same, the 5th respondent police registered the crime in FIR No.188 of 2025, dated 13.11.2025 for the offence under Section 85 of BNS and Section 4 of the Dowry Prohibition Act and after knowing about the registration of crime and subsequent charge sheet, he approached the Court by way of filing an application in Criminal Petition

No.1325 of 2026 under Section 528 of BNSS (482 of Cr.P.C.). The 4th respondent police without application of executive mind registered the crime and also went to an extent in issuing Look Out Circular bearing No.2026403054 on 17.01.2026 by the 6th respondent after issuance of notice under Section 35(3) of BNSS.

3. The learned counsel for the petitioner would submit that he approached the Court having jurisdiction at United Kingdom for dissolution of marriage and the same was pending for orders. He further would contend that the very issuance of LOC itself shows that the police are acting to the tunes of the politicians at the behest of his wife and further maintaining the LOC even after issuance of notice under Section 35(3) of BNSS in the crime is highly objectionable.

4. The learned Central Government Counsel and the learned Government Pleader opposed the petition and prays to dismiss the same.

5. Heard the learned counsel for the petitioner and learned Central Government Counsel and learned Government Pleader for Department of Home, and perused the material available on record.

6. At this juncture, it is very pertinent to refer the following decisions of the Hon'ble Apex Court and the various High Courts as extracted herein under:

(1) In **Sumit Mehta v. State of NCT of Delhi**¹, the Apex Court at para No.13 observed as herein 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.”

(2) In **Menaka Gandhi vs. Union of India**², the Apex Court held that no person can be deprived of his right to go abroad unless there is a law enabling the State to do so and such law contains fair, reasonable and just procedure. The relevant Para No.5 is extracted herein under:

“5. Thus, no person can be deprived of his right to, go abroad unless there is a law made by the State prescribing the procedure for so depriving him and the deprivation is effected strictly in accordance with such procedure. It was for this reason, in order to comply with the requirement of Article 21, that Parliament enacted the Passports Act, 1967 for regulating the right to go abroad. It is clear from the provisions of the Passport may be issued or refused or canceled or impounded and also prescribes a procedure for doing so, but the question is whether that is sufficient compliance with Article 21. Is the prescription of some sort of procedure enough or must the procedure comply with any particular requirements? Obviously, procedure cannot be arbitrary, unfair or unreasonable. This indeed was conceded by the learned Attorney General who with his usual candour frankly stated that it was not possible for him to contend that any procedure howsoever arbitrary, oppressive or unjust may be prescribed by the law. Therefore, such a right to travel abroad cannot be deprived except by just, fair and reasonable procedure.”

¹2013 (15) SCC 570 : MANU/SC/0935/2013

² 1978 (1) SCC 248 : MANU/SC/0133/1978

(3) In **Satish Chandra Verma v. Union of India (UOI) and Others**³, the Apex Court observed at para No.5 as extracted herein under:

“5. The right to travel abroad is an important basic human right for it nourishes independent and self-determining creative character of the individual, not only by extending his freedoms of action, but also by extending the scope of his experience. The right also extends to private life; marriage, family and friendship which are the basic humanities which can be affected through refusal of freedom to go abroad and this freedom is a genuine human right.”

(4) In a recent judgment of the Apex Court in case of **Mahesh Kumar Agarwal vs. Union of India & Anr.**,⁴ while dealing with the aspect of freedom of a citizen and rights guaranteed under Article 21 of the Constitution of India, observed as herein under:-

“Liberty, in our constitutional scheme, is not a gift of the State but its first obligation. The freedom of a citizen to move, to travel, to pursue livelihood and opportunity, subject to law, is an essential part of the guarantee under Article 21 of the Constitution of India. The State may, where statute so provides, regulate or restrain that freedom in the interests of justice, security or public order but such restraint must be narrowly confined to what is necessary, proportionate to the object sought to be achieved, and clearly anchored in law. When procedural safeguards are converted into rigid barriers, or temporary disabilities are allowed to harden into indefinite exclusions, the balance between the power of the State and the dignity of the individual is disturbed, and the promise of the Constitution is put at risk.”

(5) Very recently in **Vineet Gupta v. Union of India**⁵, the Delhi High Court has observed as under-

³ MANU/SC/0826/2019

⁴ 2025 INSC 1476

⁵ 2026:DHC:1616

“28. On the conspectus of the aforementioned decisions and memorandum, it is seen that the following guiding principles emerge governing the issuance, continuance, and judicial review of LOC:

(i) LOC constitutes a coercive executive measure having a substantial impact on the fundamental right to travel, which forms an integral facet of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India. Consequently, the power to issue an LOC must be exercised sparingly, strictly in accordance with law, and only upon satisfaction of the conditions prescribed under the governing Office Memoranda;

(ii) An LOC may be issued only in cases involving a cognizable offence under the relevant statutes, where specific, tangible material demonstrates that the person concerned is deliberately evading arrest or judicial process, or that there exists a real and proximate likelihood of absconding;

(iii) Moreover, the exceptional power under Clause 6 (L) of the Office Memorandum dated 22.02.2021 is to be narrowly construed and may be exercised only in rare and compelling cases, where, the proposed departure of subject poses a clear and grave threat to the sovereignty, security, or integrity of India, or to its strategic or economic interests in a national or systemic sense, or the larger public interest;

(iv) x x x x

(v) Courts, in exercise of writ jurisdiction, are duty-bound to subject the issuance and continuation of LOCs to strict scrutiny, balancing the legitimate interests of the State with the individual's fundamental rights, and to quash such circulars where the restraint imposed is found to be arbitrary, disproportionate, lacking in statutory backing, or violative of the principles of fairness, reasonableness, and due process. Ultimately, the burden lies squarely upon the "originating agencies" to justify, the necessity, proportionality, and legality of the restraint, failing which such action cannot be sustained. Pertinent to observe that the continuance of an LOC is not indefinite and must be periodically reviewed. Where it is evident from the record that the subject has cooperated with the investigation, has not evaded the process of law, and where no further interrogation or presence is demonstrably required, the continued operation of an LOC would amount to an unreasonable and unjustified restriction on personal liberty;"

7. It is also brought to the notice of this Court by both the learned counsel that the subject matter of this writ petition is squarely covered by

the order passed by this Court in W.P.No.6748 of 2026, dated 17.04.2026 and requested to pass similar order.

8. In view of the above, by following the said order, this writ petition is disposed of with the following directions:

(i) The petitioner shall file an undertaking before respondent Nos.2 and 3 by way of affidavit within two (02) days from today affirming that the petitioner shall appear before the investigating authority/ authorities as and when required or directed and render full cooperation in any ongoing proceedings and investigations and the petitioner shall provide all material or documents as directed by the investigating agencies which are available within his possession.

(ii) On receipt of the undertaking affidavit from the petitioner, 3rd respondent i.e., Originator of Look-out-Circular (LOC) is directed to recall the LOC issued against the petitioner forthwith.

(iii) After receipt of communication from 3rd respondent to recall the LOC, the Respondent No.7 shall delete the Look-out-Circular issued against the petitioner forthwith.

9. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE BATTU DEVANAND

Date : 22.04.2026
PGR

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

W.P.No.6770 of 2026

Date: 22.04.2026

PGR