

HIGH COURT OF ANDHRA PRADESH:: AMARAVATI

MAIN CASE NO.: CrI.P.No.4483 of 2026

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
02.	17.06.2026	<u>SS, J</u> Instant criminal petition has been preferred challenging the docket order dated 02.04.2026 passed in C.C.No.312 of 2018 on the file of the learned II Additional Judicial First Class Magistrate, Proddatur. Heard learned counsel for the petitioner as well as Ms.P.Akhila Naidu, learned Assistant Public Prosecutor. It appears that in proceedings under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act, accused No.1/petitioner is husband of <i>de facto</i> complainant, who regularly attending Court when dates were fixed. On 02.04.2026, <i>de facto</i> complainant/2nd respondent presented a requisition contending <i>inter alia</i> that present petitioner being accused No.1 filed special power of attorney before another Court stating that he is proceeding to Sweden and requested to stop him to proceed abroad. On the basis of such requisition, SHO was directed by the learned Magistrate to issue lookout notice against accused No.1. Prima facie it appears that petitioner was not heard before issuing lookout notice by the	

		Magistrate. Moreover, in a case under Section 498-A IPC, the Court cannot abruptly pass lookout notice. This Court in W.P.No.2269 of 2026 has decided this issue and has held in paragraph 9, as follows: <i>“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</i>	
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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 be 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.”

Considering the entire aspect, impugned docket order dated 02.04.2026 appears to me *prima facie* illegal. Accordingly, impugned order is stayed till pending disposal of the criminal petition.

Issue notice upon 2nd respondent.

Learned counsel for the petitioner is permitted to take out personal notice to the 2nd respondent through registered post with acknowledgment due and file proof of service in the Registry within two weeks.

List the matter after two weeks.

SS, J

SPP

