



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 6111 OF 2026 (GM-POLICE)

BETWEEN:

MOHAMMED ASHIQ,
S/O MOHAMED FAROOQ,
AGED ABOUT 27 YEARS,
R/AT 16-108-14, ASHIQ MANZIL,
NYARMA NR MASJID,
SHIRVA VILLAGE AND POST,
UDUPI DISTRICT - 574 116.
[REPRESENTATION OF HAZEEM AFEEZ
THROUGH SPA]

...PETITIONER

(BY SRI. IMTIAZ B., ADVOCATE)

AND:

1. UNION OF INDIA,
MINISTRY OF EXTERNAL AFFAIRS,
NO.201, 1ST FLOOR,
PATIYALA HOUSE ANEX,
NEW DELHI - 110 001.
2. THE CHIEF IMMIGRATION OFFICER,
BUREAU OF IMMIGRATION,
MANGALURU INTERNATIONAL AIRPORT,
BAJPE, MANGALURU - 575 008.





3. THE STATION HOUSE OFFICER,
KARKALA RURAL POLICE STATION,
REPRESENTED BY THE S.P.P,
HIGH COURT BUILDING,
BANGALORE - 560 001.

4. SUPERINTENDENT OF POLICE,
UDUPI,
UDUPI DISTRICT - 576 101.
REPRESENTED BY THE S.P.P,
HIGH COURT BUILDING,
BANGALORE - 560 001.

5. DEPUTY SUPERINTENDENT OF POLICE,
UDUPI,
UDUPI DISTRICT - 576 101.
REPRESENTED BY THE S.P.P,
HIGH COURT BUILDING,
BANGALORE - 560 001.

...RESPONDENTS

(BY SRI. SHANTHI BHUSHAN H., ASG A/W
SMT.SAMINI GANESH M, CGC FOR R1 AND R2;
SRI.VIKAS ROJIPURA, AGA FOR R3 TO R5)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R-4 SUPERINTENDENT OF POLICE TO RECALL THE LOOKOUT CIRCULAR ISSUED IN CONNECTION WITH CRIME NO. 117/2019 OF KARKALA RURAL POLICE STATION FOR THE OFFENCE U/S 448, 392 R/W 34 OF IPC ON THE FILE OF II ADDL. CIVIL JUDGE AND JMFC COURT KARKALA FORTHWITH AND PERMIT THE PETITIONER TO TRAVEL ABROAD VIDE ANNEX-A AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The petitioner, who is gainfully employed in the Kingdom of Saudi Arabia, is before this Court being aggrieved by the action of the third respondent–Station House Officer in not issuing No Objection Certificate (NOC) / recalling Look out circular (LOC), in connection with proceedings arising out of Crime No.117/2019. It is the specific case of the petitioner that the criminal proceedings, insofar as they relate to the petitioner, have already been stayed by this Court in Criminal Petition No.4709/2025, in exercise of powers under Section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C"). The said order of stay is placed on record as Annexure–D.

2. In the aforesaid factual backdrop, the short question that falls for consideration is:

Whether the action of the third respondent in either refusing to issue the NOC or in continuing the LOC, despite the criminal proceedings being stayed by this Court, is legally sustainable?



3. This Court notices that the issue is no longer *res integra* and stands squarely covered by a catena of decisions rendered by co-ordinate Benches of this Court. In identical circumstances, where criminal proceedings are stayed by this Court in exercise of jurisdiction under Section 482 of Cr.P.C., it has been consistently held that the very substratum for issuance or continuation of a Look Out Circular ceases to exist. Once the proceedings are stayed, it necessarily implies that the petitioner is not required to participate either in investigation or trial during the subsistence of the stay order.

4. The co-ordinate Bench, while dealing with similar facts, has categorically held that continuation of an LOC in the face of a subsisting stay order would be arbitrary and unsustainable, as the purpose of such LOC namely, to secure the presence of the accused no longer survives. Consequently, it has been held that the investigating agency is under a corresponding obligation to recall such LOC or keep the same in abeyance.

5. In the present case, though it is not in dispute that the petitioner has been charge-sheeted for the offences punishable under Sections 448 and 392 read with Section 34 of the Indian



Penal Code, 1860, the fact remains that further proceedings pursuant to the said charge sheet stand stayed by this Court in Criminal Petition No.4709/2025. Therefore, the continuation of the impugned LOC or refusal to act upon the stay order by the third respondent is clearly untenable in law.

6. It is trite that when this Court exercises its inherent jurisdiction under Section 482 of Cr.P.C. and stays further proceedings, all consequential coercive steps flowing from such proceedings must also remain in abeyance. The Station House Officer, being an instrumentality of the State, is bound to give full effect to the judicial order passed by this Court and cannot act in derogation thereof. The continuation of the LOC, despite a subsisting stay order, would amount to nullifying the effect of the judicial order and cannot be countenanced.

7. Furthermore, the petitioner's right to livelihood, particularly when he is employed abroad, is protected under Article 19(1)(g) of the Constitution of India. Any administrative action that curtails such right, in the absence of a subsisting legal necessity, would be violative of constitutional guarantees. When the proceedings themselves are stayed, the insistence on



continuation of LOC would result in unjustified interference with the petitioner's right to carry on his profession.

8. Therefore, this Court is of the considered view that once a stay of criminal proceedings is granted under Section 482 of Cr.P.C., the Station House Officer is duty-bound to either issue the NOC or recall / keep in abeyance any existing LOC, as the case may be, until the stay order subsists.

ORDER

- i. The writ petition is ***allowed***;
- ii. Respondent Nos.3 and 4 are hereby directed to recall the LOC issued against the petitioner and keep the same in abeyance, subject to the outcome of Criminal Petition No.4709/2025;
- iii. Respondent Nos.2 and 3 are directed not to enforce the LOC against the petitioner during the subsistence of the stay order granted by this Court;
- iv. Respondent Nos.3 and 4 shall forthwith communicate the decision of recalling / keeping the



LOC in abeyance to respondent No.2, upon verification of the petitioner's employment, visa and travel particulars;

v. Upon furnishing of necessary employment and travel details by the petitioner, respondent No.3 shall expeditiously act and ensure compliance of this order, thereby facilitating the petitioner's right to travel and livelihood, strictly in terms of the stay order granted by this Court.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**