

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

THURSDAY, THE TWELFTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION NO: 40804 OF 2025

Between:

Garlapati Kusuma, D/o. Garlapati Srinivasa Rao, Aged 28 years, Occu. Private Employee, R/o. Toronto, Ontario, Canada Now temporarily residing at Flat No.403, Nithya Dharshasam 2, Jaya Deepika Estates, Bachupalle, Nizampeta, Telangana

...PETITIONER

AND

1. Union of India, Rep. by its Secretary, Ministry of Home Affairs, New Delhi.
2. The Bureau of Immigration, Rep. by its Commissioner, New Delhi - 110029
3. The Foreigners Regional Registration Officer, Hyderabad, Sardar Vallabhai Patel Bol OCR Complex, Shamshabad, -Pahadishareef Road Near GMR Township, Mamidipally, Shamshabad, Telangana, PIN-501218
4. The State of Telangana, Rep by its Principal Secretary, (Home Department) Secretariat Building, Saifabad, Hyderabad.
5. The Commissioner of Police, Cyberabad Commissionerate, At Gachibowli, Ranga Reddy District
6. The Assistant Commissioner of Police, Bachupally, At Bachupally, Ranga Reddy District
7. The Station House Officer, Bachupally Police Station, At Nizampet, Hyderabad
8. Talasila Muralidhar Rao, S/o. Seetha Ramaiah, Aged 63 years, Occu. Retd. Employee, Plot No.89, Flat No.302, Sai Nageshwara Residency, Jawahar Nagar, Moulali, Hyderabad.

...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 an appropriate writ, order, or direction, more particularly in the nature of a Writ of Mandamus, declaring the action of Respondent No.1 to 7 in illegally

detaining and restraining the Petitioner from travelling to Canada via Doha on 25.12.2025 on the pretext of a non-existent LOC issued in the name of the Petitioner as arbitrary, illegal and without jurisdiction and contrary to law and violative of Article 14 and 21 of Constitution of India and consequently direct the Respondents No.1 to 7 not to detain or restrain the Petitioner from travelling to Canada or any other country.

IA NO: 1 OF 2025

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 direct the Respondent No.1 to 7 to allow the Petitioner to travel to Canada for her employment forthwith, pending WP No. /2025.

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 LOC issued in the name of Petitioner and permit the Petitioner to travel to Canada for her employment, pending writ petition.

Counsel for the Petitioner: SRI N. PRAVEEN REDDY

**Counsel for the Respondent No.1 to 3: SRI G. VENKATESH VARLU,
SC FOR CENTRAL GOVT**

Counsel for the Respondent No.4 to 7: GP FOR HOME

Counsel for the Respondent No.8: SMT. M. TRIVENI

The Court made the following: ORDER

CIV

**IN THE HIGH COURT OF JUDICATURE FOR THE STATE OF
TELANGANA
HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA**

WRIT PETITIONS No. 40804 OF 2025

12.03.2026

Between:

Garlapati Kusuma

..... Petitioner

And

The Union of India
Rep. by its Secretary,
Ministry of Home Affairs,
Delhi & others

..... Respondents

ORDER:

Petitioner claims to be an engineering graduate employed in Canada and has been residing there since 25.08.2019. Herself and Pradeep Chandra Talasila, son of Respondent No.8, initially registered their marriage on 14.08.2019 at Hyderabad without parental knowledge. After she moved to Canada on 25.08.2019, her Application for his spousal dependent work permit was rejected twice. Subsequently, they got engaged on 13.06.2022 and married as per customs on 03.08.2022 at Hyderabad. Thereafter, he insisted that she should apply for Permanent Residency for him.

1.1. Prior to the marriage, parents of Pradeep Chandra were unable to secure bank loan due to his unemployment. Respondent No.8 requested Petitioner to apply as co-borrower on the strength of her Canadian employment. Acting on such representations, she submitted her pay slips and a loan of Rs.95,00,000/- was sanctioned by IndusInd Bank *vide* sanction letter dated 18.07.2022 in the names of Petitioner, Pradeep Chandra Talasila, Respondent No.8 and T. Padminavathi and Respondent No.8 executed a Memorandum of Deposit of Title Deeds *vide* Document No.9665 of 2022 dated 26.07.2022.

1.2. It is stated, the entire loan amount of Rs.95,00,000/- was utilized at the instance of Respondent No.8 and his family members, including payments towards their gold loan, marriage expenses, gold purchase and amounts paid to Pradeep Chandra Talasila. On 28.08.2022, Pradeep Chandra Talasila moved to Canada; petitioner paid loan instalments until January, 2024. Thereafter, it is stated, due to marital discord, she filed divorce proceedings before the competent Court in Canada on 21.05.2023, and the marriage was dissolved by order dated 02.01.2025. During the pendency of matrimonial proceedings, Respondent No.8 and his son lodged a complaint dated 03.05.2024, resulting in registration of FR No.412 of

2024 under Sections 406 and 420 IPC. Criminal Petitions were filed before this Court, and by orders dated 12.06.2024 and 16.07.2024, the Investigating Officer was directed to follow the procedure under Section 41-A Cr.P.C. Notices were issued to her parents, who submitted their explanation. No charge sheet has been filed till date. No notice under Section 41-A Cr.P.C. has been issued to Petitioner.

1.3. It is stated, petitioner came to India on 15.11.2025 for her sister's wedding and was scheduled to return to Canada on 25.12.2025. After completing security and Immigration formalities and stamping of her passport, she was detained at about 01:00 hours on 25.12.2025 on the ground of a Look Out Circular and was handed over to Bachupally Police. No reasons or details of the LOC were furnished to her.

1.4. Petitioner states that the complaint lodged by Respondent No.8 is motivated by personal grudge arising out of divorce and is intended to coerce settlement of the loan amount. She submits that all co-borrowers, including Respondent No.8, his son and T. Padmavathi, are liable for the loan; she had already paid approximately Rs.18,00,000/- towards instalments, and no recovery proceedings have been initiated by the bank against her. Respondents 1 to 7 have no authority to

prevent her from travelling abroad in the absence of any valid and communicated LOC or judicial order. She is employed in Canada and is required to report for work by the first week of January, 2026, failing which she risks losing her employment. Unless permitted to travel forthwith, she will suffer grave and irreparable loss.

2. Respondent No.8 filed counter stating that father of petitioner is related to his wife and petitioner and his son became acquainted and were in a relationship since 2016; petitioner used to take his son's salary for her family's needs and bank statement (Ex.P2) reflects that loan amount was transferred to petitioner's Axis Bank account, showing that she utilized the loan amount. She filed Form 10A before the Toronto Court in divorce proceedings admitting that R.21,63,000/- from the loan amount was used for retrieving goods belonging to her and her parents. It is stated further that his son went Canada to lead marital life with petitioner, but she showed no interest and filed a divorce petition. Petitioner paid EMIs only till 07.04.2023, as per the loan statement of Industrial Bank, and not till January 2024 as claimed and thereafter, marriage was dissolved by order dated 02.01.2025.

2.1. It is stated, IndusInd Bank declared loan account as NPA and issued notice dated 20.11.2023 and proceedings were initiated under the SARFAESI Act, including notice under Section 13(2) dated 02.01.2024; loan was subsequently, assigned to ARCIL under Section 5 of the Act and notice dated 11.06.2025 was issued. Further notice under Section 13(4) dated 24.06.2025 was issued for delivery of possession. This respondent denies that he lured petitioner into obtaining the loan; himself and his wife are financially stable and his elder son settled in the USA. Respondent No.8 contends that petitioner was in need of funds at the time of marriage and requested him to stand as surety, as her father's property was already mortgaged; loan was represented to be Rs.20-25 lakhs and petitioner promised to repay it and even as per the loan statement, petitioner is the borrower and failed to clear the dues.

2.2. It is stated further that due to non-payment of loan and alleged misrepresentations by petitioner, Respondent No.8 lodged a complaint, which was registered as Crime No.412 of 2024 and charge sheet was filed arraying petitioner as Accused No. 4 who is absconding. He further stated that after obtaining relief under Section 41-A in the above Crime, petitioner's father

lodged Crime No. 819 of 2024 dated 22.08.2024 at Bachupally Police Station under Sections 85, 77 read with 35) BNS with false allegations against him and his family members.

2.3. It is also stated, petitioner did not cooperate with the investigation after returning to India and is liable for disobedience of the order in CRLP No.7868 of 2024. Due to her failure to repay the loan, himself and his wife are facing severe hardship. Respondent No.8 states that the Bank is prepared to release his property upon clearance of the outstanding loan or substitution with the petitioner's mortgaged property, and contends that she is responsible for repayment of the loan.

3. An undertaking affidavit is filed by petitioner stating that she is an Employee residing at Unit 1078, 100 Mornelle Ct, Scarborough, Ontario, M1E 4X2, Canada, temporarily at Flat No.403, Nithya Dharshasam 2, Jaya Deepika Estates, Bachupalle, Nizampeta, Telangana, and undertakes to comply with all conditions and appear before law enforcement agencies and Courts whenever required on sufficient prior notice and furnishes contact details Phone No. +1 7059898000 and Email gkusuma7@gmail.com.

4. Heard Sri N. Praveen Reddy, learned counsel for petitioner, Smt. N.V.R. Rajya Lakshmi, learned Standing

Counsel representing Respondents 1 to 3, learned Government Pleader for Home for Respondents 4 to 7 and Smt. Majji Triveni, learned counsel for Respondent No.8.

5. Having considered the pleadings of both the parties, it is evident that there exists a serious matrimonial and financial dispute relating to loan sanctioned on 18.07.2022 for Rs.95,00,000/- by IndusInd Bank and subsequent proceedings including FIR No.412 of 2024, CRLP No.6199 of 2024, CRLP No.7868 of 2024, SARFAESI notices dated 20.11.2023, 02.01.2024, 11.06.2025 and 24.06.2025 and C.C. No. of 2025. These disputes relate to civil liability under loan transaction and criminal allegations under Sections 406 and 420 IPC.

6. The limited issue in the present Writ Petition is detention of petitioner on 25.12.2025 on the basis of an alleged Look Out Circular without furnishing copy, issuing authority, date, validity or reasons. It is not the case of respondents that petitioner was arrested pursuant to warrant or that she was declared proclaimed offender by any Court. Though Respondent No.5 asserts charge sheet filed in C.C. No.... of 2025 showing petitioner as absconding, no material is placed to show that she was served with process and deliberately evaded or that any non-bailable warrant was issued and pending on 25.12.2025.

7. The power to issue and act upon Look Out Circular must conform to Office Memorandums of Ministry of Home Affairs and cannot be exercised arbitrarily so as to infringe right to travel which forms part of personal liberty under Article 21 of the Constitution. Petitioner was admittedly permitted to clear Immigration and her passport was stamped and thereafter, detained at 01:00 hours on 25.12.2025 without furnishing any document. The disputes regarding loan utilization, NPA declaration, SARFAESI proceedings, Crime No.412 of 2024, C.C. No..... of 2025 and Crime No.819 of 2024 are matters to be adjudicated in appropriate proceedings. Such disputes by themselves cannot justify indefinite restraint on travel in absence of compliance with due process and without furnishing details of LOC.

8. Petitioner filed an affidavit undertaking to cooperate with investigation and appear before the authorities on sufficient prior notice and furnished complete contact details in Canada and local address in Bachupalle, Nizampet, Telangana. There is no material placed to show that she was served with notice under Section 41-A Cr.P.C. and failed to comply. On the contrary, record shows CRLP No.7868 of 2024 was disposed of directing compliance with Section 41-A Cr.P.C.

9. In view of the above, this Court holds that the action of Respondents 1 to 7 in detaining petitioner on 25.12.2025 without furnishing copy of Look Out Circular, its issuing authority, date, validity period and reasons is arbitrary and violative of Articles 14 and 21 of the Constitution.

10. Official respondents are therefore, directed to permit petitioner to travel Canada subject to her furnishing to the Investigating Officer in Crime No.412 of 2024 of Bachupally Police Station and in C.C. No..... of 2025 her present address in Canada, contact number and e mail. She shall appear before the Investigating Officer or the Court concerned as and when required on issuance of prior notice through electronic mode and shall cooperate with investigation and trial.

11. With the above directions, the Writ Petition is disposed of. No costs.

12. Consequently, the miscellaneous Applications, if any shall stand closed.

SD/- AHMED ABDULLA KHAN
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Secretary, Ministry of Home Affairs, Union of India, New Delhi.
2. The Commissioner, The Bureau of Immigration, New Delhi - 110029
3. The Foreigners Regional Registration Officer, Hyderabad, Sardar Vallabhai Patel Bol OCR Complex, Shamshabad, -Pahadishareef Road Near GMR Township, Mamidipally, Shamshabad, Telangana, PIN-501218
4. The Principal Secretary, (Home Department) The State of Telangana, Secretariat Building, Saifabad, Hyderabad.
5. The Commissioner of Police, Cyberabad Commissionerate, At Gachibowli, Ranga Reddy District
6. The Assistant Commissioner of Police, Bachupally, At Bachupally, Ranga Reddy District

7. The Station House Officer, Bachupally Police Station, Al Nizampet, Hyderabad
8. One CC to SRI N. PRAVEEN REDDY, Advocate [OPUC]
9. One CC to SMT. M. TRIVENI, Advocate [OPUC]
10. One CC to SRI G. VENKATESHVARLU, SC FOR CENTRAL GOVT [OPUC]
11. Two CCs to GP FOR HOME, High Court for the State of Telangana. [OUT]
12. Two CD Copies

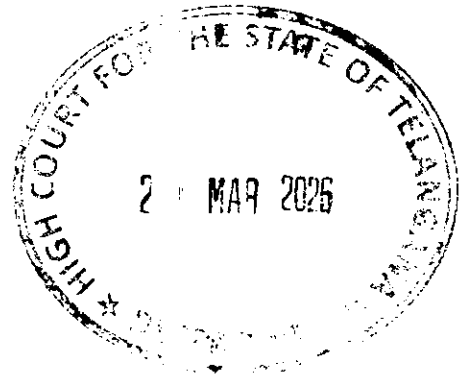
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AS

CC TODAY

HIGH COURT

DATED:12/03/2026



ORDER

WP.No.40804 of 2025

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

(15) NT
23/3/26