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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010393372026

+ **W.P.(CRL) 2552/2026, CRL.M.A. 25858/2026-Stay**

SHILPA DARSHAN KUMAR

.....Petitioner

Through: Mr. Jai Anant Dehadrai, Ms.
Yashvi Aswani and Mr. Ram P.
Dubey, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Arushi Singh, SPC with Mr.
Aakash Kumar Singh, GP for R1
and R2
Ms. Shiva Lakshmi (SPC) along
with Mr. Prasant Kumar Sharma
and Ms. Pankhuri Tiwari, Advs. for
R-3

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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21.08.2026

1. Being aggrieved that the petitioner was denied clearance at the immigration counter, Chennai International Airport while departing for Bali via Kuala Lumpur on the ground of Look Out Circular (**LOC**) subsisting against her, the petitioner in the present petition under *Article 226* of the Constitution of India read with *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023 before this Court seeks the following reliefs:-

“(a) issue a writ of mandamus, or any other appropriate writ, order or direction of like nature, directing the



Respondent to place on record before this Hon'ble Court, and to furnish to the Petitioner, a copy of the impugned Look Out Circular;

(b) issue a writ of certiorari, or any other appropriate writ, order or direction quashing and setting aside the Look Out Circular opened against the Petitioner at the instance of the SFIO;

(c) pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and in the interest of justice."

2. At the outset, drawing the attention of this Court to Clauses 6(H), 6(I) and 6(L) of the Office Memorandum dated 22.02.2021, learned counsel for the petitioner submits that the LOC, issued at the instance of SFIO, against the petitioner is in stark violation of the same inasmuch as no offence whatsoever stands registered against her by the SFIO. For the sake of convenience the said clauses 6(H), 6(I) and 6(L) of the Office Memorandum dated 22.02.2021 are reproduced as under:-

"6.

H) Recourse to LOC is to be taken in cognizable offences under IPC or other penal laws. The details in column IV in the enclosed Proforma regarding 'reason for opening LOC' must invariably be provided without which the subject of an LOC will not be arrested/detained.

(I) In cases where there is no cognizable offence under IPC and other penal laws, the LOC subject cannot be detained/arrested or prevented from leaving the country. The Originating Agency can only request that they be informed about the arrival/departure of the subject in such cases.

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(L) In exceptional cases, LOCs can be issued even in such cases, as may not be covered by the guidelines above, whereby departure of a person from India may be declined at



the request of any of the authorities mentioned in clause (B) above, if it appears to such authority based on inputs received that the departure of such person is detrimental to the sovereignty or security or integrity of India or that the same is detrimental to the bilateral relations with any country or to the strategic and/or economic interests of India or if such person is allowed to leave, he may potentially indulge in an act of terrorism or offences against the State and/or that such departure ought not be permitted in the larger public interest at any given point in time.”

3. He further submits that the said LOC was never supplied to the petitioner and the petitioner came to know about the same only when she was denied clearance at the immigration counter, Chennai International Airport.
4. At the outset, upon perusal of records and the averments made in the present petition, this Court finds that the present writ petition is a result of an on-going investigation against the petitioner initiated by SFIO, 3rd Floor, Corporate Bhawan, Akandakeshari, New Town, Kolkata-700 135, and wherein summons dated 19.06.2026 and 24.06.2026 were issued to her by SFIO, Kolkata, and wherein she has already joined/ participated in Kolkata itself on 30.06.2026, and that too after herself exchanging e-mails with the concerned IO on 23.06.2026. The aforesaid are admitted positions to which there is no dispute by learned counsel for the petitioner.
5. Barring this, as per the petitioner's own case she was only denied clearance at the immigration counter, Chennai International Airport while departing for Bali via Kuala Lumpur on the ground of LOC subsisting against her, however, *notably*, no proof whatsoever with regard to the same has been filed/ annexed with the present petition.
6. The aforesaid clearly reflect that no (part of) cause of action has



even remotely arisen within the jurisdiction of this Court so as to deal with the present petition, and everything what has happened is outside the precincts of this Court, in Kolkata and/ or Chennai. It is also relevant to note that it is the own case of the petitioner herein that the said LOC is a result of the proceedings initiated by the SFIO. In fact, in one of the reliefs sought by the petitioner herself, it is her own case that “... ..*the Look Out Circular opened against the Petitioner at the instance of the SFIO*”.

7. Under such circumstances, although the present petition could also lie within the jurisdiction of this Court, however, since this Court is not the best forum to deal with the present writ petition and/ or the reliefs sought therein by the petitioner, and that too merely because the respondent nos.1 and 2 herein have office(s) situated in Delhi. Interestingly, there is/ are no assertions made, grounds raised and/ or arguments addressed as to what precluded and/ or prevented the petitioner to approach either the High Court(s) at Kolkata and/ or Madras.

8. The present writ petition is thus a clear case of *forum non-convivence* by the petitioner.

9. Therefore, there is no reason for this Court to entertain the present writ petition.

10. Accordingly, the present writ petition is dismissed *in limine*.

11. In view thereof, this Court need not go into the merits/ submissions addressed *qua* the Office Memorandum dated 22.02.2021 by learned counsel for the petitioner.

SAURABH BANERJEE, J

AUGUST 21, 2026/rr