

\$~51 & 53 (common order)

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

+ CRL.M.C. 1885/2018 and Crl.M.A.6705/2018, 12095/2018,
34415/2018

ANIL SHASTRI

..... Petitioner

Through: Mr. Hari Haran, Senior Advocate
with Mr. Ankit Jain, & Mr. Siddhant
Nath, Advs.

versus

STATE & ORS.

..... Respondents

Through: Mr. Kewal Singh Ahuja, APP for the
State with SI Sunil Kumar, PS Tilak
Marg.
Mr. Gigi C. George, Adv. for UOI
Mr. Bhaskar Mishra, Adv. with Ms.
Nikita Jain, Adv. for R-2 & R-4.

+ CRL.M.C. 5374/2018 and Crl.M.A.34683-34684/2018

ANIL SHASTRI

..... Petitioner

Through: Mr. Hari Haran, Senior Advocate
with Mr. Ankit Jain, & Mr. Siddhant
Nath, Advs.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Kewal Singh Ahuja, APP for the
State with SI Sunil Kumar, PS Tilak
Marg.
Mr. Gigi C. George, Adv. for UOI

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

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ORDER
22.10.2018

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The first captioned petition (Crl.M.C.1885/2018) was filed by the petitioner praying, *inter alia*, for setting aside of the order dated 28.03.2018 of the Metropolitan Magistrate passed on the file of criminal complaint case No.48061/2016 instituted by the second to fourth respondents, the other respondents (fifth and sixth respondents) being named as co-accused in the said complaint case. It appears pursuant to the directions of the Metropolitan Magistrate by the impugned order dated 28.03.2018 police had registered FIR No.46/2018 with Police Station Tilak Marg for investigation into offence punishable under Sections 406/409/464/420/467/468/471/34/120-B IPC.

When the said petition came up before a learned Single Judge of this Court on 13.04.2018, while issuing notice it was directed that no coercive action would be taken against the petitioner, subject to the condition that he would not leave the country. The said matter is presently listed on 19.11.2018, the interim orders having been extended till then by the subsequent order dated 06.07.2018.

It appears that copy of the order dated 13.04.2018 was also endorsed by the registry to the Foreigners Regional Registration Office (FRRO) of the Ministry of External Affairs in the Union of India. The concerned quarters in the said department, on the basis of the said communication, issued Look Out Circular (LOC) *vis-a-vis* the petitioner on 19.04.2018. This came to light when the application (Crl.M.A.34415/2018) of the petitioner whereby

he was seeking permission to travel abroad came up for hearing.

By order dated 16.10.2018, a co-ordinate Bench directed, *inter alia*, status report to be filed and the matter be listed today before this court. Meanwhile, the petitioner has also filed the second captioned petition (Crl.M.C.5374/2018) to bring a challenge to the issuance of the LOC.

The status report has been filed which, being common, has been placed on the record of Crl.M.C.1885/2018. It is clarified by the learned Additional Public Prosecutor for the respondent/State, and also the learned counsel representing Ministry of Home Affairs in the Govt. of India, that the only basis on which LOC has been issued is the restrictions against the petitioner travelling abroad in terms of the order dated 13.04.2018. The status report further reveals that the investigation into FIR No.46/2018 has already been concluded and a cancellation report has been submitted which is presently pending consideration before the concerned Metropolitan Magistrate, the matter coming up for such purposes on 01.03.2019.

In the given facts and circumstances, a ban against the petitioner leaving country by order dated 13.04.2018 undoubtedly is not called for or justified. The said condition is hereby set aside and vacated. Consequently, the LOC which has been issued by Bureau of Immigration in the Ministry of Home Affairs, Union of India with reference to order dated 13.04.2018 in connection with FIR No.46/2018 of Police Station Tilak Marg is set aside and hereby quashed.

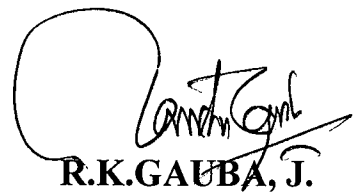
No further directions are called for in Crl.M.C.5374/2018, which along with applications filed therewith stand disposed of with these directions.

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The above also satisfies the prayer made in Crl.M.A.34415/2018 filed in Crl.M.c.1885/2018, which stands disposed of.

For clarity, it is added that there would be no restrictions against the petitioner travelling abroad with reference to FIR No.46/2018 of Police Station Tilak Marg.

Dasti under the signature of Court Master.



R.K.GAUBA, J.

OCTOBER 22, 2018

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CRL.M.C. 1885/2018 & 5374/2018

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