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

+ W.P. (CRL.) 840/2020 & CRL. M.A. No. 6794/2020 (for interim stay)

SANDEEP ARORA

.....Petitioner

Through : Mr. Avadh Kaushik, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through : Mr. Chetan Sharma, ASG along
with Mr. Jasmeet Singh, CGSC
for R1 & 2.

Mr. Sanjay Lao, ASC for R3, 4
& 5 with IO/SI Jyoti Yadav.

Mr. Murari Tiwari, Counsel for
complainant.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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14.07.2020

In compliance of the last order, counter affidavit has been filed on behalf of respondents Nos. 3, 4 and 5 (Delhi Police). Rejoinder has also been filed by the petitioner.

2. Mr. Chetan Sharma, learned Additional Solicitor General appearing on instructions from Mr. Jasmeet Singh, learned Central Government Standing Counsel, submits that as far as respondents Nos. 1 and 2 (Union of India and Bureau of Immigration) are concerned, as recorded on the last date of hearing, they have no direct role to play in the matter inasmuch as Look-Out Circulars (LoCs) are

issued by them at the request and instance of the police authorities. Accordingly, respondents Nos. 1 and 2 do not wish to file any counter affidavit in the matter.

3. Mr. Murari Tiwari, learned counsel appears on behalf of the petitioner's wife, who is the complainant in the FIR, and states that the present petition ought not to have been filed without making the wife a party, since the FIR pursuant to which the LoC was opened, was registered on the complaint of the wife and daughter.

4. It is noticed that the principal prayer in the present petition is for quashing of the LoC issued against the petitioner on 01.02.2020, arising from FIR No. 50/2020 dated 30.01.2020 registered at PS : Dwarka (South) under section 354A IPC and section 10 of the POCSO Act.

5. Mr. Lao submits that as of date, charge-sheet in the matter has already been filed without arresting the petitioner; and consequent thereupon, respondent No. 3/Delhi Police intimated to the Bureau of Immigration to close the LoC. On instructions of S.I. Jyoti Yadav, Mr. Lao confirms that LoC dated 01.02.2020 issued against the petitioner has since been closed.

6. In view of closure of LoC dated 01.02.2020 opened against the petitioner, the main prayer made in the petition has been rendered infructuous. Accordingly, nothing survives in the petition; and the petition is disposed of as having become infructuous.

7. Mr. Tiwari however urges that without making the wife and daughter parties, serious allegations were made in the petition ; which might prejudice them in future litigation between the parties.

8. To allay this apprehension, let it be noted that since the present petition is being disposed of as having become infructuous, nothing stated in the petition would be taken as a reflection on the merits of the disputes between the parties.
9. The writ petition is accordingly disposed of as infructuous.
10. Pending applications, if any, also stand disposed of.

ANUP JAIRAM BHAMBHANI, J.

JULY 14, 2020/j