

CRIMINAL WRIT PETITION NO. 1828 OF 2022

Versus

The Union of India & another	Respondents
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Mr. V. A. Bagadiya, Advocate for the petitioners.
Mr. A. G. Talhar, Standing Counsel for respondent No. 1.

**CORAM : SMT. ANUJA PRABHUDESSAI &
R. M. JOSHI, JJ.**

DATE : 24th JANUARY, 2023.

PER COURT :

1. By consent of learned counsel for respective parties, heard finally at the stage of admission.
2. This is a petition under Article 226 of the Constitution of India seeking cancellation of LOC No. 2018407799 and LOC No. 2018407810 with Old Suspect No. 184208 or any other LOC pending with the respondents with regard to the matter before the learned Magistrate at Aurangabad in RCC No. 1643/2017 and further to issue

directions against respondents to supply the copy of cancellation of LOC to the petitioners.

3. The record reveals that pursuant to the First Information Report lodged by Prerna Dipak Tibrewala, the wife of petitioner No. 1 herein, Crime No. 96/2017 was registered against the petitioners and others at Mukundwadi Police Station, Aurangabad for the offences under Sections 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code. The petitioners herein were arrested in the said crime and by order dated 30th March, 2018, the learned Magistrate released the petitioners on bail and one of the conditions of bail order was not to leave India without prior permission of the Court. It appears that pursuant to the said order, LOC was issued against the petitioners. Subsequently, the dispute between petitioner No. 1 and his wife was resolved and the petitioners filed an application to quash First Information Report and the criminal proceeding arising from the First Information Report. The said Criminal Application No. 2100/2000 was allowed by this Court by order dated 22nd January, 2021 and consequently, First Information Report and the criminal proceeding arising therefrom were quashed. Pursuant to the order of

this Court, the learned trial Court disposed of the criminal proceeding i.e. RCC No. 1643/2017.

4. The petitioners had earlier filed an application for recall of Look Out Notice. The learned Judge has dismissed the said application mainly on the ground that no letter was issued to open LOC against the applicants.

5. On the previous date of hearing, we had instructed learned counsel for the respondent to seek instructions. he submits that despite correspondence/email, he has not received any instructions. Learned counsel for the petitioners states that petitioners No. 1 to 3 were not allowed to travel abroad in view of an application filed by the wife of petitioner No. 1 for cancellation of visa. He submits that no other crime is registered against the petitioners and that they have not defaulted any amount of the Nationalised Bank or any other financial institution and that the LOC was issued only in view of registration of First Information Report, which came to be quashed by this Court by order dated 22nd January, 2021.

6. As noted above, the First Information Report No. 96/2017 has been quashed. Hence, the conditions imposed in bail order dated 30th March, 2018, directing the petitioners not to leave the country without prior permission and issuance of LOC, stands automatically revoked. Consequently, there can be no restrain on travel on the basis of the application filed by the wife of the petitioner No. 1 or LOC issued in view of registration of Crime No. 96/2017.

7. In the result, petition is allowed in terms of prayer clauses 'B' and 'C'. Petition stands disposed of.

8. Parties to act upon authenticated copy of this order.

(R. M. JOSHI)
Judge

(SMT. ANUJA PRABHUDESSAI)
Judge

dyb