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

+ **CRL.M.C. 5958/2024 & CRL.M.A. 23598/2024**

YOGITA BHARDWAJ

.....Petitioner

Through: Mr. Sacchin Puri, Sr. Advocate with
Mr. Pradeep Kumar, Mr. R.K.
Mishra, Ms. Sneha Kumari, Mr.
Rishabh Bhutani, Mr. Subodh Kumar
Pandey, Mr. Manish Singh, Mr.
Vivek Vashisht, Ms. Shweta Arora,
Mr. Fardeen Khan, Mr. Prithvi Raj
Mehra, Advocates.

versus

STATE GOVT. OF NCT OF DELHI & ANR.Respondents

Through: Mr. Tarang Srivastava, APP for the
State.
Mr. Mrityunjay Kumar & Mr. Manish
Kumar Vikkey, Advocates along with
Respondent No. 2.
SI Narender (D-6082), PS C.R. Park.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

08.08.2024

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1. The Petitioner has approached this Court seeking permission to travel to Australia on the ground that the Petitioner has lost her mother-in-law on 18.07.2024.
2. Material on record indicates that the Petitioner had moved a petition before the Court of Special Judge, Saket Courts, Delhi, seeking permission to travel abroad, which was rejected on 13.02.2024. Thereafter, the Petitioner filed CRL.M.C. No. 2047/2024 challenging the said Order dated 13.02.2024 and this Court *vide* Order dated 11.07.2024 dismissed the said



petition. The entire order passed by this Court on 11.07.2024 is reproduced as under:-

“1. Petition under Section 482 CrPC has been filed seeking quashing of the impugned order dated 13.02.2024 passed by the learned Additional Sessions Judge dismissing the permission to travel abroad.

2. It has been submitted on behalf of the petitioner that as per the FIR the complainant had met one Shilpi who had introduced her to two persons on 18.12.2015 and 18.05.2016 but in fact, as per the passport of the petitioner she was not in India on those two dates. It has further been submitted that the petitioner has never ever met the complainant on the dates mentioned in the complaint in regard to which the complaint is patently false.

3. It is further submitted that even though the FIR was registered against her, she was not aware of the registration of the FIR. She landed in India on 10.08.2022 when she was arrested. Only then, for the first time she came to know about the registration of this FIR against her.

4. It is submitted that her non-appearance was simply for the reason that she was neither being aware of FIR nor she was aware of the pendency of this case. There was no intention to evade the process of law. It is further submitted that being a national of Australia, she may be permitted to travel to Australia where her husband and children are residing with whatever conditions that may be imposed upon the petitioner. Furthermore, it is asserted that allegations viz-a-viz the petitioner are only to the extent of having taken Rs.4.7 lacs.

5. Learned APP for the State submits that she is an Australian citizen who had not joined the investigation



for last five years. There is flight risk and there is likelihood of not returning back to India to face trial.

6. Submissions heard.

7. Learned ASJ has observed the factum of the petitioner being the national of Australia and having been declared a Proclaimed Offender on 30.10.2018 after which the LOC was opened. It is only when she came to India on 11.08.2023 that she was arrested and subsequently released on bail.

8. The family of the petitioner is based in Australia which has essentially been cited as the reason to travel to Australia.

9. I find merit in the submissions of learned APP. Accordingly, the petition is dismissed.”

3. In view of the order passed by the Coordinate Bench of this Court, this Court is not inclined to permit the Petitioner to travel abroad at this juncture.

4. The petition is dismissed along with pending application(s), if any.

5. Needless to state that since the FIR has been filed in the year 2018 and six years have passed, the investigating agencies are requested to expedite the investigation and file the chargesheet as expeditiously as possible *qua* the Petitioner, who according to the learned APP for the State was not available for investigation when the chargesheet for other accused was filed.

SUBRAMONIUM PRASAD, J

AUGUST 8, 2024

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