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

+ **CRL.M.C. 3132/2025**

M/S SURPAL CYCLES PVT. LTD. & ANR.Petitioners

Through: Mr. Kunal Tandon, Senior Advocate
with Mr. Saurabh Dev, Mr. Karan
Singh and Ms. Natasha, Advocates.

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Ms. Shubhi Gupta, APP with Insp.
Yograj Dalal, Section-07/EOW.
Mr. Manoj Taneja, Mr. Kunal
Ishraney, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **06.05.2025**

CRL.M.A. 13786/2025 (exemption)

Allowed, subject to all just exceptions.

This application stands disposed of.

CRL.M.C. 3132/2025 & CRL.M.A. 13787/2025 (seeking requisition of record), CRL.M.A. 13785/2025 (stay)

1. This is a petition under Sections 528 and 529 of BNSS, 2023, seeking to quash the order dated 02.05.2025, passed by the learned Judicial Magistrate, South East, Saket Courts, New Delhi, whereby respondent No. 2 has been allowed to travel abroad from 07.05.2025 to 15.05.2025.
2. Previously also, respondent No. 2 was granted permission to travel to Italy from 05.04.2025 to 15.04.2025 vide order dated 04.04.2025 passed by



this Court, subject to various terms and conditions.

3. Mr. Kunal Tandon, learned Senior Counsel reiterates the same arguments which he took at the time of the disposal of the previous application that Magistrate has no power to suspend/quash the LOC. As per paragraph 7 of the order dated 04.04.2025, learned Senior Counsel for the petitioners did not press his arguments at that stage regarding lack of competence of the trial Court to put LOC under suspension as the same would require deep consideration. However, he had pressed for more stringent conditions to ensure that respondent No. 2 adheres to the travel itinerary and returns back on the scheduled date. The same remains the position even today as the question regarding the lack of competence to put LOC under suspension would require deep consideration.

4. Since respondent No. 2 has to travel in the intervening night of 06.07.2025-07.05.2025, rights and contentions of the petitioner are left open, to be decided in the appropriate proceedings.

5. While granting permission to respondent No. 2 to travel abroad vide order dated 04.04.2025, this Court had directed respondent No. 2 to furnish an FDR of Rs. 15,00,000/- and further directed him to furnish surety bond of the same amount before the learned trial Court as a condition for grant of permission to travel abroad. However, it appears that the learned trial Court only directed respondent No. 2 to furnish surety bond of Rs. 15,00,000/- and not the FDR of equivalent amount in terms of directions of this Court.

6. Mr. Manoj Taneja, learned counsel appearing for respondent No. 2, states that in compliance of order dated 04.04.2025, respondent No. 2 had placed on record of the trial Court, an FDR in the sum of Rs. 15,00,000/- in the name of his mother, which is stated to be still lying on record.



7. Keeping in view the entire facts and circumstances of the case and in particular the fact that respondent No. 2 was granted permission to travel abroad in the past and had not misused the liberty, petition is disposed of with direction that respondent No. 2 shall furnish an FDR of Rs. 15,00,000/- and shall also furnish surety bond of the same amount before the learned trial Court as a condition for grant of permission to travel abroad and the same shall stand forfeited in case of violation of this order. Remaining order passed by the learned trial Court shall remain same.

8. The contentions raised on behalf of petitioner with regard to challenge to the power of Judicial Magistrate to quash/suspend the LOC shall remain open.

9. It is made clear that in case the FDR of Rs. 15,00,000/- is already lying on record and the same has been accepted by the trial Court, he need not furnish any additional FDR.

10. A copy of this order be given *dasti* under the signatures of the Court Master.

RAVINDER DUDEJA, J

MAY 6, 2025/vd