



2025:DHC:4822



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: 29.05.2025

+ CRL.M.C. 3975/2025
DALMIA FAMILY OFFICE TRUST & ANR.

.....Petitioners

Through: Mr. Sidhant Kumar and Mr.
Om Batra, Advs.

versus

THE STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Shubhi Gupta, APP for the
State along with PS-Nikesh
Kumar, PS-EOW.

CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA

JUDGMENT(ORAL)

RAVINDER DUDEJA, J.

CRL.M.A. 17329/2025 EXEMPTION

Allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 3975/2025 & CRL.M.A. 17328/2025 (ad interim relief)

1. This Petition is filed under Section 528 of the BNSS seeking to set aside the order dated 23.05.2025 passed by Ld. JMFC (NI Act),



Patiala House Courts, New Delhi, whereby the look out circular (“LOC”) was suspended and permission was granted to Respondent No. 2 to travel abroad from 16.06.2025 to 31.07.2025.

2. Briefly stated the facts of the matter as per the petition is that, in 2013, the Petitioners invested INR 113 crores in various ATS Group real estate projects, with the ATS Group obligated to repay within 37 months and 141 units allotted as security. On 29.06.2021, an FIR bearing no. 88/2021 under Sections 406, 420, and 120B IPC was registered. In June 2024, Respondent No. 2 applied to the Ld. JMFC for permission to travel abroad for fibromyalgia treatment and quashing of the look out circular (LOC), which was granted on 07.06.2024 for travel from 10.06.2024 to 30.06.2024. The ED recorded an ECIR against Respondent No. 2 on 02.07.2024, based on six FIRs registered against her. On 13.09.2024, the Ld. JMFC dismissed the application filed by respondent no. 2 to quash the LOC, leading Respondent No. 2 to challenge the decision in CRL. M.C. No. 8851/2024, with no ad-interim relief granted till now. On 19.04.2025, Respondent No. 2 filed a further application for suspension of the LOC and permission to travel abroad, and the Impugned Order was passed by the Ld. JMFC on 23 May 2025.

3. The learned counsel for the Petitioners submitted that the Impugned Order dated 23.05.2025 is contrary to the *sub-judice* principle, as the issue of suspension of the Look-Out Circular (LOC) is already pending before this Court. It was submitted that the learned JMFC erred



in interfering with a matter that is directly *sub judice*, amounting to judicial overreach. It was further submitted that the application of respondent no. 2 before the JMFC amounts to forum shopping, especially since no interim relief was granted in the pending petition before this Court. The Impugned Order has also been challenged on the ground that it incorrectly noted the unavailability of fibromyalgia treatment in India, despite hospitals being listed on record.

4. It was submitted that that travel abroad should not be permitted when medical treatment is available domestically. Counsel further submitted that the Impugned Order overlooked the fact that a new ECIR was registered against Respondent No. 2 on 02.07.2024 based on six FIRs, highlighting the gravity of allegations and flight risk. The order permits travel beyond the dates for which medical appointments have been submitted, and without due verification by Respondent No. 1. It is submitted that it was also erroneously recorded that there is no stay from this Court, whereas admittedly, there are no trial court proceedings in the FIR. Reliance has been placed upon, ***Mandhir Singh Todd v. Directorate of Enforcement*** CRL.M.C 289/2025 and ***Directorate of Enforcement v. Kanwar Deep Singh*** CRL.M.C. 1748/2022, wherein the permission to travel abroad was not granted.

5. Issue notice. Learned APP for the state has accepted the notice.

6. Upon a careful consideration of the submissions advanced by the learned counsels for the parties and after perusal of the material



placed on record, this Court finds that the impugned order dated 23.05.2025, permitting Respondent No. 2 to travel abroad for medical treatment, was passed in view of compelling personal and medical circumstances. The said order does not, in any manner, affect or prejudice the outcome of the other petition seeking quashing of the Look-Out Circular (LOC), which remains pending for adjudication before this Court.

7. It is not disputed that Respondent No. 2 has been suffering from fibromyalgia for several years and has been receiving specialized treatment at Clear Passage, London since 2015, a treatment not available in India. Vide order dated 07.06.2024, Respondent No. 2 was earlier granted permission to travel for the said treatment, and she had duly complied with all conditions imposed and returned within the stipulated period. The record also reflects that she did not misuse the liberty granted. The impugned order has merely extended a similar relief in the light of continuing medical necessity.

8. A bare perusal of the record and the impugned order reveals that the permission granted was exercised judiciously by the learned Special Judge, and no misuse has been alleged or established. The relevant portion of the order dated 07.06.2024 also clearly records that the applicant had not misused the said permission.

9. This Court is further guided by the settled position of law that interim reliefs or permissions granted during the pendency of a writ



petition or criminal miscellaneous petition must be examined with due regard to humanitarian considerations, particularly in cases involving medical exigency, reliance can be placed upon ***Maneka Gandhi v. Union of India*** (1978) 1 SCC 248 and ***Satish Chandra Verma v. Union of India*** (2019) 4 SCC 376. The right to travel abroad is an aspect of the fundamental right to personal liberty under Article 21 of the Constitution and must be harmoniously balanced with restrictions imposed under procedural law such as LOCs.

10. The judgment in ***ED v. Kanwar Deep Singh*** (supra) is distinguishable as the Court denied travel permission on the ground that treatment for prostate cancer was available in India, and there was a risk of him not returning or disposing of assets abroad to the detriment of investigating agency. ***Per contra***, Respondent No. 2 seeks a specialized fibromyalgia treatment which is stated to be unavailable in India and Respondent no. 2 has previously complied with travel permissions granted by the Court of Ld. JMFC on 07.06.2024. There is no allegation of overseas assets or risk of absconding in her case.

11. In light of the above, this Court does not find any legal infirmity or material irregularity in the impugned order dated 23.05.2025 that would warrant interference under its inherent jurisdiction. Accordingly, the present petition seeking to set aside the impugned order is dismissed.



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12. However, it is made clear that the observations made herein are confined to the consideration of the impugned order and shall not have any bearing on the merits of the other petition, i.e, CRL. M.C. No. 8851/2024, seeking quashing of the LOC, which shall be decided independently in accordance with law.

RAVINDER DUDEJA, J

MAY 29, 2025/NA



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