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

\+ **W.P.(C) 3313/2023 and CM APPL.12854/2023,CM APPL. 29408/2024, CM APPL. 60978/2025, CM APPL. 457/2026**

ANANT RAJ KANORIA .....Petitioner

Through: Mr. Abhimanyu Bhandari, Sr. Advocate with Mr. Arav Pandit, Advocate.

versus

UNION OF INDIA & ORS. .....Respondents

Through: Ms. Arti Bansal, CGSC for R-UOI. Mr Anupam S Sharrma, Special Counsel for ED

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

O R D E R

% **09.01.2026**

1. The present petition has been preferred under Article 226 of the Constitution of India, 1950, essentially seeking quashing of Look Out Circular (*hereinafter referred to as 'LOC'*), issued against the petitioner. For the sake of clarity, the prayer clause is extracted as under: -

> *"(i) To declare and issue a Writ of Mandamus, Certoirari and/or an appropriate writ of similar nature, thereby setting aside/quashing the illegally opened Look-Out Circular (LOC) if any, against the Petitioner by the Respondents; and,*
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> *(ii) Direct the Respondents to service the notice of the Look Out Circular (LOC) as the same has not been received by the Petitioner till date, further directing the Respondents not to take any action on the LOC issued against the Petitioner; and*

(iii) Direct the Respondents to remove the name of the Petitioner from the list of persons against whom LOC Opened; and

(iv) Direct the Respondents to provide information regarding all subsisting LOCs which have been opened against the Petitioner herein; and

(v) Direct the Respondent to allow the Petitioner to travel abroad without any restrictions being imposed or coercive steps being taken against him;

(vi) Issue a writ, order or direction in the nature of a certiorari or any other appropriate writ quashing the Office memorandum dated 27.10.2010 bearing No. 25016/31/2010-Imm, and the Office memorandum dated 05.12.2017 bearing no.25016/10/2017-Imm [Pt.], and the Office Memorandum dated 19.07.2018 bearing no. 25016/10/2017-Imm [Pt] and the Office Memorandum dated 12.10.2018 bearing No. 25016/10/2017-Imm [Pt] issued by the Respondent No. 1 - Ministry of Home Affairs; and

(vii) Pass any other order or such further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances for which act of kindness the humble Petitioner as in duty bound shall ever pray."

2. The facts of the case would manifest that in the year 2010, the petitioner was diagnosed with epilepsy while he was in USA. He claims to have undergone treatment in Boston by Dr. Andrew J. Cole. After undergoing the treatment, he came to know that one FIR bearing No.220/2021 was registered at PS Kotwali Jaunpur, Uttar Pradesh, On the basis of the material in the said FIR, on 19.09.2022, an ECIR bearing No. KLZO-I/ 20 /2022 was registered.

3. The petitioner claims to be residing in Delhi and presently operating a start-up company in the name of Iquippo Services Pvt. Ltd. in Gurugram. He states that on 31.03.2023, the Enforcement Directorate (ED) conducted certain searches at the residence of the petitioner at Kolkata and Delhi, and when he was to fly to USA *via* Dubai, he was restrained at Indira Gandhi International Airport (IGI Airport) and was informed about the existence of

the LOC. Pursuant to the search, a Show Cause Notice was issued to the petitioner.

4. Since the petitioner was required to travel to the United States owing to a subsequent medical ailment, he was constrained to approach this Court.

5. The petitioner contends that he is neither an accused in the FIR nor named in the ECIR, though his close relatives have been arrayed as accused. It is contended that no FIR or ECIR is pending against the petitioner; rather, an ECIR registered against his family members remains under investigation. According to the petitioner, FIR No. 220/2021, on the basis of which the ECIR was registered, has already been closed, and since the ECIR is founded solely on the material collected therein, its continuation, in view of the settled legal position, cannot be sustained.

6. Mr. Abhimanyu Bhandari, learned senior counsel for the petitioner, submits that there have been flagrant violations of the Office Memorandum dated 22.02.2021 and the binding decisions of this Court as well as of the Supreme Court. It is contended that the law is well settled that once the predicate offence stands quashed, the accused persons are deemed to be discharged from all consequential proceedings. He further submits that the petitioner shall undertake to fully cooperate with the Investigating Agency as and when required.

7. On notice being issued, besides various objections, the Enforcement Directorate (ED) has pointed out that earlier an FIR was lodged against the SREI Infrastructure Finance Ltd. ("SIFL"), SREI Equipment Finance Limited, ("SEFL") and the Kanoria family members. It is also submitted that a new FIR bearing No.41/2025 dated 25.08.2025 has been lodged at PS Electronic Complex, Bidhannagar Police Commissionerate under Section

406/419/420/467/468/120B of Indian Penal Code, 1860 against the directors of SREI Equipment Finance Limited and SREI Infrastructure Finance Limited alleging that an incident of fraud amounting to Rs.991.02 Crores has occurred at UCO Bank, Flagship Corporate Branch, Kolkata, located at 2, India Exchange Place, P.S. Hare Street, Kolkata-700001.

8. Mr. Anupam S. Sharma, learned counsel appearing for the ED submits that the ECIR earlier registered is required to be examined in light of the allegations that have subsequently surfaced in FIR No. 41/2025. It is further submitted that an SLP challenging the closure report in FIR No. 220/2021 is presently pending before the Supreme Court, wherein a separate application seeking a stay has also been filed; however, as of the date, no orders have been passed thereon. Mr. Sharma further contends that the role of the petitioner is being examined, and the allegations are that the petitioner was responsible for opening and operating multiple accounts abroad and was a signatory thereto. Therefore, according to Mr. Sharma, the matter may have wider ramifications.

9. I have heard learned counsel appearing for the parties and have perused the record.

10. At the outset, it is pertinent to note the evolution of the guidelines governing the issuance of LOCs. The earliest instructions emanated from a letter issued by the Ministry of Home Affairs dated 05.09.1979, which authorised various agencies to monitor the arrival and departure of Indian citizens as well as foreigners. Thereafter, a more structured framework, confined to Indian citizens, was introduced by the Office Memorandum dated 27.12.2000.

11. Thereafter, in 2010, this Court in ***Vikram Sharma v. Union of India***[1] and ***Sumer Singh Salkan v. Asst. Director***[2] further elucidated the legal framework governing the issuance of LOC. Subsequently, the Ministry of Home Affairs issued a comprehensive Office Memorandum dated 27.10.2010, which confined the issuance of LOCs to cases involving cognizable offences under the IPC or other penal statutes, and restricted non-cognizable matters to intimation of travel movements only.

12. Subsequent amendments, including the Office Memorandum dated 05.12.2017, further limited the scope of LOCs in exceptional circumstances where the departure of a person was considered prejudicial to the sovereignty, security, integrity of India, bilateral relations, strategic or economic interests, or larger public interest, with further modifications effected by the memorandums dated 19.09.2018 and 12.10.2018.

13. In order to consolidate the directions for issuance of LOCs, the Ministry of Home Affairs issued a comprehensive Office Memorandum dated 22.02.2021, which presently governs the law with respect to the issuance of LOCs. The relevant extract of said Office Memorandum is as under :-

> *"6. The existing guidelines with regard to issuance of Look Out Circulars (LOC) in respect of Indian citizens and foreigners have been reviewed by this Ministry. After due deliberations in consultation with various stakeholders and in suppression of all the existing guidelines issued vide this Ministry's letters/O.M. referred to in para 1 above, it has been decided with the approval of the competent authority that the following consolidated guidelines shall be followed henceforth by all concerned for the purpose of issuance of Look Out Circulars (LOC) in respect of Indian citizens and foreigners:-*

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[1] 2010 SCC OnLine Del 2475
[2] 2010 SCC OnLine Del 2699

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(H) Recourse to LOC is to be taken in cognizable offences under IPC or other penal laws. The details in column IV in the enclosed proforma regarding 'reason for opening LOC' must invariably be provided without which the subject of an LOC will not be arrested/detained.

(I) In cases where there is no cognizable offence under IPC or other penal laws, the LOC subject cannot be detained/arrested or prevented from leaving the country. The originating agency can only request that they be informed about the arrival/departure of the subject in such cases

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(L) In exceptional cases, LOCs can be issued even in such cases, as may not be covered by the guidelines above, whereby departure of a person from India may be declined at the request of any of the authorities mentioned in clause (B) above, if it appears to such authority based on inputs received that the departure of such person is detrimental to the sovereignty or security or integrity of India or that the same is detrimental to the bilateral relations with any country or to the strategic and/or economic interests of India or if such person is allowed to leave, he may potentially indulge in an act of terrorism or offences against the State and/or that such departure ought not be permitted in the larger public interest at any given point in time."

14. A comprehensive discussion of the aforenoted memoranda has been recently undertaken by the Court in ***Puja Chadha v. Directorate of Enforcement.***[3] The Court, while relying on the decisions in the cases of ***Prashant Bothra v. Bureau of Immigration*** [4]***Dhruv Tewari v. Directorate of Enforcement*** [5] **Sumer Singh Salkan , *Brij Bhushan Kathuria v. Union of India***[6]and ***Anastasiia Pivtsaeva v. Union of India***[7], held that the power to issue an LOC is an exceptional and coercive measure which has a direct

[3] 2025:DHC:8787
[4] 2023 SCC OnLine Cal 2643
[5] 2022 SCC OnLine Del 1893
[6] 2021 SCC OnLine Del 2587
[7] 2024 SCC OnLine Del 5170

bearing on an individual's fundamental right to travel, and therefore must be exercised strictly in accordance with law.

15. Recently, this Court in the case of ***Sandeep Dhanuka v. Directorate of Revenue Intelligence***, [8] has also dealt with various aspects of the issuance of LOC and its continuation. The relevant extract of the aforesaid decision reads as under :-

> *"40. The aforementioned Office Memorandums have been examined and interpreted in several other judicial pronouncements as well.*
> *41. In Prashant Bothra v. Bureau of Immigration., 2023 SCC OnLine Cal 2643, it was held as under:*
> *"39. In the present case, as rightly pointed by learned counsel for the petitioners, the stage of investigation within the contemplation of Section 212(1) - (4) of the 2013 Act is not yet over. Thus, as of today, whatever may the allegations against the petitioners or the Company of which they were Directors and guarantors, the same cannot tantamount to a cognizable offence against the petitioners.*
> *xxx xxx xxx*
> *47. The said citation by the SFIO is not relevant in the present case. In the present case, no "trial" has started and/or any arrest has been made or sought to be made. There is no issuance of NBW at all in the present case or even warrant, for that matter. Clause 4(a) of the Office Memorandum, quoting the Delhi High Court, clearly envisages that there has to be a cognizable offence where the accused was deliberately evading arrest or not appearing in a Trial Court despite NBW and other coercive measures and there was likelihood of the accused leaving the country to evade trial/arrest. None of the said criteria are met in the present case. On the contrary, Clause 6 of the Office Memorandum dated February 22, 2021 provides that the existing guidelines with regard to issuance of LOC were being superseded and it was decided as provided thereafter. The said consolidated guidelines, thus, are spelt out in Clause 6."*
> *42. In Sumer Singh Salkan v. Asst. Director (supra), the Court has observed as under -*
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> > *"The questions raised in the reference are as under:*
> > *"A. What are the categories of cases in which the investigating agency can seek recourse of Look-out-Circular and under what circumstances?*
> > *B. What procedure is required to be followed by the investigating*

[8] 2025 SCC OnLine Del 8280

agency opening a Look-out-circular?
C. What is the remedy available to the person against whom such Lookout-Circular has been opened?
D. What is the role of the concerned Court when such a case is brought it and under what circumstances, the subordinate courts can intervene?
The questions are answered as under:
A. Recourse to LOC can be taken by investigating agency in cognizable offences under IPC or other penal laws, where the accused was deliberately evading arrest or not appearing in the trial court despite NBWs and other coercive measures and there was likelihood of the accused leaving the country to evade trial/arrest.
B. The Investigating Officer shall make a written request for LOC to the officer as notified by the circular of Ministry of Home Affairs, giving details & reasons for seeking LOC. The competent officer alone shall give directions for opening LOC by passing an order in this respect.
C. The person against whom LOC is issued must join investigation by appearing I.O. or should surrender the court concerned or should satisfy the court that LOC was wrongly issued against him. He may also approach the officer who ordered issuance of LOC & explain that LOC was wrongly issued against him. LOC can be withdrawn by the authority that issued and can also be rescinded by the trial court where case is pending or having jurisdiction over concerned police station on an application by the person concerned.
D. LOC is a coercive measure to make a person surrender to the investigating agency or Court of law. The subordinate courts' jurisdiction in affirming or cancelling LOC is commensurate with the jurisdiction of cancellation of NBWs or affirming NBWs."

43. In Brij Bhushan Kathuria v. Union of India, 2021 SCC OnLine Del 2587, this Court has made the following observation -

"14…….An LOC has the effect of seriously jeopardising the right to travel of an individual. The settled legal position, as per the judgment in Sumer Singh Salkan (supra) is that unless and until there is an FIR which is lodged or a criminal case which is pending, an LOC cannot be issued.
xxx xxx xxx
18. It is clear from a perusal of clauses (g), (h) and (j) that unless and until the conditions in these clauses are satisfied, prima-facie an LOC cannot be opened.
19. There is no criminal case pending against the Petitioner. His role is also yet to be ascertained by the investigating authorities. Phrases such as 'economic interest' or 'larger public interest'

cannot be expanded in a manner so as to include an Independent Director who was in the past associated with the company being investigated, without any specific role being attributed to him, as in the present case……"

44. Similarly in Ashutosh Sharma v. Union Of India., W.P. (C) 7769 of 2022, the Court has observed as under -

"6. It is also to be noted that there are no complaint/criminal proceedings pending against the Petitioner.

7. Since 30th November 2019, the Impugned LOC against the Petitioner has been in place. The rationale behind issuing the instant LOC is to effectively monitor the entry or exit of the Petitioner from the country.

8. However, there is no material placed before the Court which can ascertain the Petitioner's liability or criminal culpability at this juncture which could indicate that he is intending to abscond. Therefore, the mere apprehension of default cannot be a basis for opening an indefinite LOC against him, thereby restricting the movement of a citizen who has a right to travel abroad which is acknowledged to be a fundamental right under Article 21 of the Constitution of India, as observed in the landmark judgments of Maneka Gandhi v. Union of India and Satwant Singh Sawhney v. D. Ramarathnam, Assistant Passport Officer.

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12. The above makes it clear that only in exceptional cases can a LOC be issued without fulfilling the parameters. This is because a person's right to travel freely is an expression of their fundamental right to personal liberty enshrined under Article 21 of the Constitution. Therefore, such a right can only be restricted under strict parameters and in accordance with the procedure established by law."

45. Reference is also apposite to Hulas Rahul Gupta v. Bureau of Immigration (supra), wherein the Court has observed as under -

18. The abovementioned guidelines show that the ordinary recourse to open LOCs is to be taken in cognizable offence under IPC and other penal laws. However, in exceptional circumstances, LOCs can be opened in such cases which are not covered by the guidelines if it is felt that the person concerned if leaves the country would be against the economic interest of the country.

19. It is now a settled law that opening of an LOC has a very serious effect on a person's fundamental right to travel abroad which is on the face of Article 21 of the Constitution of India and the said right to travel cannot be curtailed without following due process. It is also settled law that recourse to LOC can be taken by the Investigating Agencies primarily when there is a *cognizable offence under IPC or in any other penal laws or where the accused is deliberately evading the arrest and not appearing before Court despite summons being served on him or issuance of non-bailable warrants or when other coercive measures have been taken by the Court to ensure his appearance in the Court and that there is likelihood of the accused to leave the country to evade such trial or arrest.*

20. The LOCs are also being issued at the instance of Investigating <u>Agencies where apprehension is raised by the Investigating Agencies that the person who is alleged of committing an offence might escape the clutches of law by leaving the country. However, the law is also getting crystallized that merely because there are some revenue implications, the LOC cannot be opened against a person</u>. A Single Bench of this Court in Priya Parameswaran Pillai v. Union of India, [2015 VII AD (Delhi) 10] has held that merely because there were some revenue implications due to notices issued by the Income Tax Authorities, the violations of tax laws are not demonstrative of the fact that the Petitioner therein had acted inimical to the economic interests of the country.

16. It is also pertinent to note the decision of this Court in ***Rajesh Kumar Mehta v. Union of India.***[9] The relevant extract of the aforenoted decision reads as under: -

"18. *In terms of the said OM, an LOC can be issued at the request of the Chairman/Managing Directors/Chief Executive of all Public Sector Banks. A request is given by a person, who is authorized under the said OM, to the Bureau of Immigration and then the Bureau of Immigration at the request of the said Officer opens the Lookout Circular.*

19. The Office Memorandum indicates that the legal liability of the action taken by the immigration authorities in pursuance of the Lookout Circular rests with the Originating Agency, in this case, the Bank of Baroda.

20. Clause L of the Office Memorandum of 2021, as quoted above, states that in exceptional cases, an LOC can be issued at the instance of the Bank if the authorities are of the view that letting the person to depart from the country will be detrimental to the economic interests of India.

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[9] 2024 SCC OnLine Del 4153

21. A perusal of the abovementioned Clause L of the Office Memorandum shows that in exceptional circumstances Lookout Circulars can be issued even in such cases which are not covered by the said guidelines which can be issued even when there is no criminal case against the person and person against whom investigation is pending and if it appears to the authorities based on the inputs that the departure of such person is detrimental to the sovereignty or security or integrity of India or bilateral relations or the strategic and/or economic interests of India. the term 'detrimental to the economic interests of India' has been well defined in several judgments.

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25. Lookout Circular has been issued against the Petitioner only because of the inability of the company to repay its debts for which the Petitioner stood guarantee. There are no criminal proceedings against the Petitioner and there is no allegation that the Petitioner was instrumental in defalcation or siphoning off the money. The Bank has already initiated steps against the Petitioner and the company by taking steps under the RDDB Act, SARFAESI Act and under the IBC. This Court is of the opinion that after resorting to all the remedies available in law, the Bank cannot open a Lookout Circular as an arm-twisting tactic to recover debt from a person who is otherwise unable to pay more so when there are no allegations that he was engaged in any fraud or in any siphoning off or defalcation of the amounts given as loan.

*26**. Lookout Circular is a major impediment for a person who wants to travel abroad. There is plethora of judgments which states that no person can be deprived of his right to go abroad other than for very compelling reasons.** In Maneka Gandhi v. Union of India, (1978) 1 SCC 248, the Apex Court has held as under:—*

> *"5. …Thus, no person can be deprived of his right to go abroad unless there is a law made by the State prescribing the procedure for so depriving him and the deprivation is effected strictly in accordance with such procedure. It was for this reason, in order to comply with the requirement of Article 21, that Parliament enacted the Passports Act, 1967 for regulating the right to go abroad. It is clear from the provisions of the Passports Act, 1967 that it lays down the circumstances under which a passport may be issued or refused or cancelled or impounded and also prescribes a procedure for doing so, but the question is whether that is sufficient compliance with Article 21. Is the prescription of some sort of procedure enough or must the procedure comply with any particular requirements? Obviously, the procedure*

cannot be arbitrary, unfair or unreasonable. This indeed was conceded by the learned Attorney-General who with his usual candour frankly stated that it was not possible for him to contend that any procedure howsoever arbitrary, oppressive or unjust may be prescribed by the law…."

27. In view of the above, the Lookout Circular (LOC) issued against the Petitioner is hereby quashed.

17. In ***Shalini Khanna v. Union of India***,[10] this Court held as under***: -***

"20. Though Paragraph (L) of the aforesaid Office Memorandum permits the Banks to issue a request for opening a lookout circular, in exceptional cases, even if they are not covered by the guidelines, even in such of those cases, the same can be issued only if departure of such person is detrimental to the sovereignty or security of the country, or departure of the person is threat to the bilateral relations to any country, or to the strategic or economic interest of the country, or if such person is allowed to leave, he may potentially indulge in acts of terrorism or offences against State or that such departure ought not be permitted in larger public interest at any given point of time.

*21. **It is well settled that merely because the Office Memorandum permits the issuance of a lookout circular in exceptional circumstances, even when an individual is not involved in any offence under the IPC or any other penal law, the said power should be used in exceptional circumstances and not as a matter of routine.***

22. The term 'detrimental to the economic interests' must be of such a magnitude that it can significantly affect the economic interest of the country. In the present case, the total loan amount disbursed is about Rs. 7 crores and even if one adds the interest to it, it cannot be said that the amount is so large that it will affect the economic interests of the country.

23. The issuance of lookout circular cannot be resorted to in every case of bank loan defaults or credit facilities availed for business and the Fundamental Right of a citizen of the country to travel abroad cannot be curtailed only because of failure to pay a bank loan more so when the person against whom the lookout circular is opened has not been even arrayed as an accused in any offence for misappropriation or siphoning off the loan amounts."

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[10] 2024 SCC OnLine Del 837

18. Moreover, in ***Anastasiia Pivtsaeva & Anr. v. Union of India & Ors.***[11], this Court held that mere association or a familial relationship with an accused, absent any concrete material showing direct involvement or complicity in the alleged offence, cannot justify adverse action such as denial of security clearance or the continuation of coercive measures.

19. Turning to the facts of the present case, a cumulative assessment of the material on record demonstrates that, as on date, the petitioner is not named in any FIR. Even with respect to the alleged role attributed to the petitioner within the ambit of the ECIR, the matter has remained at a stage of investigation only.

20. The LOC in question appears to have been issued in the year 2023. Thereafter, the petitioner was summoned to join the investigation on several occasions, namely on 27.03.2023, 03.04.2023, 28.04.2023, 18.05.2023, 12.06.2023, 13.06.2023, 04.07.2023 and 11.07.2023. Significantly, no summons or communication has been issued to the petitioner by any Investigating Agency subsequent to 11.07.2023

21. It is also pertinent to note that, during the pendency of the present writ petition, the petitioner has been permitted by this Court, on as many as seven occasions, to travel abroad, and there is no allegation whatsoever of misuse of such liberty or non-cooperation with the investigation. The date of the order and the duration for which he was allowed, is extracted as under:-

S. No.	*Order Date*	*Application no.*	*Duration Allowed*	*Whether travelled*
1.	*31.05.2024*	*33188 of 2024*	*07.06.2024 to 06.08.2024;*	*Yes*

[11] 2024 SCC OnLine Del 5170

2.	*09.09.2024*	*52281 of 2024*	*01.10.2024 to 30.10.2024*	*Yes*
3.	*18.12.2024*	*71125 of 2024*	*02.01.2025 to 15.02.2025*	*Yes*
4.	*05.03.2025*	*13299 of 2025*	*20.03.2025 to 30.05.2025*	*Yes*
5.	*30.05.2025*	*35638 of 2025*	*01.06.2025 to 17.08.2025*	*Yes*
6.	*13.08.2025*	*49720 of 2025*	*21.08.2025 to 30.10.2025*	*Yes*
7.	*13.08.2025*	*67757 of 2025*	*01.11.2025 to 07.01.2026*	*Yes*

22. Thus, as of now, it remains undisputed that the petitioner has been allowed to travel abroad by as many as seven orders passed by this Court.

23. In such circumstances, the continued restraint imposed upon the petitioner by way of the LOC operates as an unwarranted restriction on his personal liberty and right to travel under Article 21 of the Constitution without any contemporaneous justification. The mechanical continuation of the LOC, despite the absence of necessity of the petitioner for investigation at this stage, renders the restraint *prima facie* arbitrary, particularly when the petitioner has neither evaded the process of law nor shown any inclination to obstruct the investigation.

24. At this stage, it is noteworthy that the Court is unnecessarily burdened in passing interim orders in such matters. The time spent in adjudicating such *lis* could be better utilised in dealing with cases involving substantive rights and pressing issues of law, and resolving such cases at the first

instance may lead to more efficient use of judicial time.

25. Under these circumstances, keeping in view the principles laid down by this Court in the aforementioned cases, the Court quashes the impugned LOC with the following directions: -

(i) The petitioner to submit an undertaking on an affidavit before the ED affirming that he shall continue to co-operate in the investigation, if any, and shall appear before the Investigating Agency as and when he is required;

(ii) He shall produce all material/ documents requested from him by the Investigating Agency as may be available within his power/ possession;

(iii) Henceforth, he shall furnish a full itinerary before the Investigating Agency seven days before undertaking any journey abroad;

(iv) In case, the investigating agency has any reservation about the petitioner's travel, the Investigating Agency shall be entitled either to restrain him or to issue a fresh LOC.

26. With the aforesaid directions, the instant petition stands disposed of along with the pending application.

PURUSHAINDRA KUMAR KAURAV, J

JANUARY 9, 2026
Nc/mj