



2026:DHC:4987



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision : 29.05.2026**+ **W.P.(C) 8256/2023, CM APPL. 31782/2023**

MALINI RAMANI

.....Petitioner

Through: Mr. Viraj R. Datar, Sr. Advocate  
along with Mr. Nitish Chaudhary, Ms.  
Meenal Duggal, Mr. Saurav Joon and  
Mr. Srikant Singh, Advocates.

versus

UNION OF INDIA &amp; ANR.

.....Respondents

Through: Ms. Radhika Bishwajit Dubey, CGSC  
along with Ms. Gurleen Kaur  
Wariach, Mr. Kritarth Upadhyay, Mr.  
Amulya Dev Mishra, Advocates  
along with SI Amalak (PS Mehrauli)  
and SI Vinod (PS Mahrauli).  
Mr. Hashim Khan and Mr. Syed  
Mustafa Mumtaz, Advocates for  
proposed respondent.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The petitioner has filed the present petition seeking quashing of the Look Out Circular (LOC) issued at the instance of the Deputy Commissioner of Police, South District, New Delhi, vide reference No. 10760/SO/DCP/SD/AC-IV dated 06.12.2022, in connection with FIR No. 17/2021 dated 11.01.2021 registered at Police Station Mehrauli for the offence punishable under Section 420 IPC.

2. The petitioner is a foreign national and holds a passport issued by the United States.



3. It is the case of the petitioner that she became aware, sometime in the year 2023, of the existence of the impugned LOC, pursuant to which she was restrained from travelling back to the United States.
4. Aggrieved by the issuance as well as the continued operation of the said LOC, the petitioner has approached this Court seeking quashing thereof.
5. In support of the petitioner's case, learned counsel appearing on behalf of the petitioner has advanced the following submissions:—
  - a. It is submitted that the allegations in the subject FIR arise out of a partnership business carried on under the name and style of M/s. Bliss Design India pursuant to a Partnership Deed dated 16.08.2018, wherein the Complainant and the Accused/petitioner were equal partners holding 50% share each.
  - b. It is contended that the allegations essentially pertain to losses suffered by the partnership business, closure of the business, and alleged financial losses suffered by the partners. It is submitted that the contents of the FIR, ex facie, disclose at best a civil or commercial dispute arising out of partnership transactions and do not reveal the commission of any criminal offence.
  - c. It is further the case of the petitioner that the LoC was issued in undue haste and without proper notice requiring the petitioner to join investigation. Upon becoming aware of the FIR and the LoC, the petitioner duly cooperated with the investigation and joined the proceedings whenever called upon to do so.



- d. The petitioner has placed reliance upon the Status Reports dated 28.08.2023 and 28.04.2025 filed by Police Station Mehrauli, to show that the petitioner has consistently joined and cooperated with the investigation. It is further emphasised that the Status Reports also record that the accountant of the firm, Ms. Sonia, and Chartered Accountant Rahul Kapoor were examined during investigation.
- e. It is further emphasised that the Status Report dated 28.04.2025 records that repeated notices under Section 91 CrPC were issued to the complainant for production of the balance sheet of the firm, however, the complainant failed to produce the same, as a result whereof the investigation could not be concluded.
- f. It is submitted that since the year 2023, the petitioner has remained available in India and has joined investigation before multiple Investigating Officers appointed in the matter. Even recently, upon receipt of notice dated 29.11.2025, the petitioner again joined investigation on 10.12.2025 and furnished the requisite information. Thus, it is submitted that the petitioner has fully cooperated with the investigation and there exists no justification for continuation of the LoC.
- g. It is contended that the present case does not fall within the categories warranting issuance of a Lookout Circular under the relevant Office Memoranda issued from time to time, nor does it satisfy the parameters laid down in *Sumer Singh Salkan v. Asst. Director*, 2010 SCC OnLine Delhi 2699 governing issuance of LoCs. It is further



submitted that the petitioner's travel would not prejudice the economic interests of the country in any manner.

- h. Reliance is further placed upon *Puja Chadha v. Directorate of Enforcement*, 2025:DHC:8787 wherein the LoC was quashed subject to furnishing of an undertaking to cooperate with the investigation and appear as and when directed. The petitioner herein expresses willingness to furnish a similar undertaking before this Hon'ble Court.
  - i. The petitioner also relies upon the judgment in *Thilakasri Krepanand & Ors. v. Union of India & Ors.* W.P. (CRL) 566 of 2023, *Shri Sathish Babu Sana v. CBI*, 2022:DHC:332 and *Tuhin Kumar Biswas v. State of West Bengal*, 2025 INSC 1373 and *Inder Chand Bagri v. Jagadish Prasad Bagri*, 2025 INSC 1350.
  - j. The petitioner undertakes to continue to cooperate with the investigation and to appear before the Investigating Officer and the concerned Court as and when required or directed.
6. On the other hand the respondents have submitted that the impugned LOC has been issued against the petitioner in connection with FIR No. 17/2021 registered at Police Station Mehrauli under Section 420 IPC pertaining to allegations of cheating involving substantial financial transactions arising out of a partnership business.
7. It is submitted that FIR No. 17/2021 was registered on the complaint of Ms. Vaishali Ali alleging that the petitioner induced her to invest substantial amounts into the business of M/s Bliss Design India on assurances of high returns and thereafter failed to return the invested sums.



8. It is submitted that a Look Out Circular is an administrative measure and the scope of judicial review is limited to examining arbitrariness or mala fides. During the course of hearing, it is acceded that the petitioner has been cooperating with the investigation.

9. Both the parties have been heard. The legal position governing the circumstances in which an investigating agency may seek recourse to issuance of a Look Out Circular is well settled. The issue was comprehensively considered by this Court in *Sumer Singh Salkan v. Asst. Director* (supra). The relevant observations are reproduced as under –

*“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 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.*

10. Thus, the Court held that recourse to an LOC may be taken in cases involving cognizable offences under the IPC or other penal laws where the accused is deliberately evading arrest or failing to appear before the trial court despite the issuance of Non-Bailable Warrants (NBWs) and other coercive measures, and where there exists a likelihood that the accused may leave the country in order to evade arrest or trial. It was further clarified that an LOC is essentially a coercive measure intended to secure the presence of a person before the investigating agency or the court of law.

11. It is equally well settled, in terms of *Maneka Gandhi v. Union of India* (1978) 1 SCC 248 and subsequent judicial pronouncements, that the right to travel abroad constitutes an integral facet of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India. Any restriction imposed upon such right must satisfy the tests of fairness, reasonableness, and proportionality.

12. In the present case, it is noticed that the FIR in connection with which the impugned LOC has been issued against the petitioner is dated 11.01.2021, and the impugned LOC came to be issued on 06.12.2022. The status reports filed on behalf of the respondents further reveal that the investigation has remained pending since then and is still continuing.

Vide order dated 21.11.2023, this Court recorded as under:–



*“1. Learned Counsel for the Delhi Police prays for some more time stating that the investigation will be concluded within two months from today.”*

13. Thereafter, vide order dated 25.01.2024, this Court observed as under:—

*1. On 21.11.2023, the learned Counsel for Delhi Police sought time on the ground that the investigation would be completed within two months.*

*2. Today, the learned Counsel for the Delhi Police prays for some more time stating that investigation will be completed within four weeks from today.*

*3. Since the matter pertains to Look Out Circular, it is expected that the investigation will be completed within the time period as sought for.*

14. Further, in the status report dated 28.04.2025 filed by respondent no. 2, it has been stated that several notices under Section 91 CrPC were issued to the complainant seeking production of the balance sheet of the alleged firm, however, the complainant failed to produce the same and, consequently, the investigation could not be concluded. It has further been stated that the investigation is still in progress.

15. It is, therefore, evident that the investigation in the present case has remained pending since 2021, i.e., the year in which the FIR was registered, and has yet to culminate in any final outcome. Significantly, there are no allegations whatsoever on record regarding any non-cooperation on the part of the petitioner. On the contrary, it is acceded that the petitioner has cooperated with the investigation and has further volunteered to furnish an undertaking by way of affidavit affirming that she shall continue to cooperate with the investigating agency as and when required.



16. The impugned LOC has remained operational for more than three years. Despite the prolonged pendency of the investigation, there is no material on record to indicate that the petitioner has either attempted to evade the process of law or failed to cooperate with the investigating agency.

17. In this regard, reference may also be made to the judgment of the Division Bench of the Bombay High Court in *Showik Indrajit Chakraborty v. The Addl. Superintendent of Police, Central Bureau of Investigation*, 2024:BHC AS:8457 DB, wherein it was observed as under:—

*“23 LOCs cannot be issued as a matter of course, but only when there is/are reason(s) to issue the same i.e. when a person deliberately evades arrest or does not appear in the trial Court or for any other reason. An LOC is a coercive measure to make the person surrender and as such interferes with the person’s right of personal liberty and free movement and curtails the fundamental right of an individual to travel, guaranteed under Article 21 of the Constitution.”*

18. In view of the foregoing, the impugned LOC(s) is hereby quashed, subject to the petitioner furnishing an undertaking by way of an affidavit affirming that she shall:

- (i) continue to cooperate in the investigation and appear before the trial Court and/or the investigating agency, as and when required or directed, and render full cooperation in any ongoing proceeding/s and investigation/s; and
- (ii) provide all material/documents requested from her by the investigating agencies, and as may be available within her power or possession.

19. The petition is disposed of in the above terms. Pending application also stands disposed of.

**SACHIN DATTA, J**

**MAY 29, 2026/sv**