$~1, 15, 22, 25, 33, 34, 41

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

***Date of Decision*: 15.05.2026**

IN THE MATTERS OF:

1

\+ **W.P.(C) 3100/2022, CM APPL. 24128/2023, CM APPL. 32523/2024 & CM APPL. 15879/2025**

SHIVANI MODI .....Petitioner

versus

UNION OF INDIA AND ORS. .....Respondents

15

\+ **W.P.(C) 7051/2024 & CM APPL. 29420/2024**

AMRIT DUJARI .....Petitioner

versus

BUREAU OF IMMIGRATION & ANR. .....Respondent

22

\+ **W.P.(C) 1978/2025**

HARMANDEEP SINGH KANDHARI .....Petitioner

versus

BUREAU OF IMMIGRATION & ORS. .....Respondents

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

25

\+ **W.P.(C) 6745/2025**

SAMIR SHARMA

.....Petitioner

versus

BUREAU OF IMMIGRATION & ANR. .....Respondents

33

\+ **W.P.(C) 16047/2025**

HU LIU .....Petitioner

versus

UNION OF INDIA AND ORS .....Respondents

34

\+ **W.P.(C) 18435/2025 & CM APPL. 76320/2025**

M THIAGARAJAN .....Petitioner

versus

UNION OF INDIA & ANR. .....Respondents

41

\+ **W.P.(C) 3492/2026 & CM APPL. 16852/2026**

ATUL PUNJ .....Petitioner

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

versus

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

Memo of Appearances:

On behalf of petitioners:

Mr. Vivek Chib, Sr. Adv., Mr. Anirudh Wadhwa, Mr. Bhargav R. Thali, Mr. Siddharth Jain, Mr. Siddharth Sunil, Mr. Mayank Khaitan, Mr. Vibhu Pahuja, Mr. Zeeshan Thomas, Advocates in item 1.
Mr. Vikas Mehta, Ms. Priyambada Mishra, Mr. Kartik Pandey, Advocates in item 15.
Mr. Madhav Khurana, Sr. Advocate with Ms. Priti Verma, Ms. Dhanya Visweswaran, Ms. Shaurya Singh, Ms. Kashvi Bansal, Advocates in item 22.
Counsel in item 25 (*appearance not given*)
Mr Sanjeev Anand Sr. Adv with Mr. Yogendra Aldak, Mr. Pranav Mundra, Mr. Balraaj Singh and Mr. Rishabh Dahiya, Advocates in item 33.
Mr Aditya Wadhwa, Ms Swastika Thourwal, Mr Raunaq Bali, Advocates in item 34.
Mr. Dayan Krishnan, Sr. Adv with Mr. Aditya Dewan, Ms Himangi Kapoor and Mr. Swetank Kumar, Advocates in item 41.

On behalf of respondents:

Mr. Syed Abdul Haseeb, CGSC with Mr. Syed Abdur Rahman, Adv. for R-1 in item 1.
Mr. Sunil Agarwal, SSC, Ms. Monica Benjamin, JSC, Mr. Gibran Naushad, JSC, Mr. Rohit Chakraborty, Advocates in item 1.
Ms. Nidhi Raman, CGSC with Mr. Akash Mishra, Mr. Amit Acharya, GPs for UOI in item 15.
Mr. Sandeep Kumar Mahapatra, CGSC with Ms. Mrinmayee Sahu, Adv, Mr. Tribhuvan, Adv and Ms. Anushka Sarraf, Advocates in item 22.
Mr. Vikrant Nilesh Goyal, Mr. Rattan Goyal, Mr. Yash Basoya, Mr. Inderpreet Singh and Mr. Kunal Dixit, Advs. for R-1 in item 25.
Mr Gaurav Gupta SSC, Mr Shivendra Singh, JSC, Mr Yojit Pareek, JSC, Mr Surya Jindal, Ms Prakriti Rastogi and Ms Aryama Singh Rajput, Advs. for

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

R-2 in item 25.
Mr. Amit Tiwari, CGSC with Ms. Ayushi Srivastava, Mr. Arpan Narwal, Mr. Kushagra Malik, Mr.Ujjwal Tyagi, Mr. Dalip Anand, Advocates for UOI in item 33.
Mr Santosh Kumar Rout SC for R-2/Indian Bank for item 34.
Mr. Akshit Mohan, Advocate and Government Pleader for Union of India in item 41.
Mr. Ripudamn Bhardwaj, CGSC with Mr. Kushagra Kansal and Mr. Amit Kumar Rana, Advs. for SFIO in item 41.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

JUDGEMENT

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

INDEX

A. INTRODUCTION AND BACKGROUND 5

B. THE LAW OF LOCs 7

C. INTERNATIONAL JURISPRUDENCE ON THE RIGHT TO TRAVEL 13

D. ANALYSIS 18

I. LOCs ISSUED AT THE BEHEST OF FINANCIAL INSTITUTIONS/BANKS 18

(i) W.P.(C) 18435/2025 18

II. LOCs ISSUED BY INVESTIGATING AGENCIES AND MINISTERIES 22

(ii) W.P.(C) 3100/2022 22

(iii) W.P.(C) 1978/2025 24

(iv) W.P.(C) 6745/2025 26

(v) W.P.(C) 16047/2025 28

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

(vi) W.P.(C) 3492/2026 29

III. APPROPRIATINESS OF RELEGATING THE PETITIONER TO THE FORUM THAT ISSUED THE LOC 32

(vii). W.P.(C) 7051/2024 34

D. CONCLUSION 36

A. INTRODUCTION AND BACKGROUND

The present petitions have been listed before this Court for disposal on a common day. All of them assail the issuance and continuation of Look Out Circulars (hereinafter "**LOCs**"), operating either at the behest of public sector financial institutions (Banks) or at the instance of investigating agencies and statutory bodies.

2. The issues that arise for determination in these petitions are not unfamiliar; this Court has had occasion to deal with them at considerable length and depth in a preceding batch judgment, ***Ritu Singal v. Bureau of Immigration &Ors.***[1], decided on 17.04.2026, disposing of 33 writ petitions (hereinafter **"Preceding Judgment"**). The present judgment must, therefore, be read and understood as a companion and continuation of that batch, forming together a consistent and coherent judicial statement on the law governing LOCs.

3. In the Preceding Judgment, after a comprehensive survey of constitutional provisions, regulatory instruments, and the full arc of judicial authority from this Court as well as from sister High Courts and the Supreme Court of India, this Court distilled ten governing principles that

[1] 2026:DHC:3806.

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

now constitute the operative legal framework for the issuance, continuance, and judicial review of LOCs.

4. In particular, this Court held, inter alia: that the right to travel abroad is a fundamental right under Article 21 of the Constitution; that an LOC is a coercive measure of last resort and not a routine instrument of law enforcement or debt recovery; that public sector banks, through their Chairman, Managing Directors, or Chief Executive Officers, do not possess legal authority to seek the issuance of an LOC following the decisions in ***Viraj Chetan Shah v. Union of India*** and the judgments of this Court following it; and that the continuance of an LOC is not indefinite and must be periodically reviewed.

5. These writ petitions have been categorised into three broad classes for the purposes of discussion, analysis, and disposal, namely: **Category A** — cases where the Look Out Circular has been issued solely at the instance of financial institutions; **Category B** — cases where the Look Out Circular has been issued at the instance of ministries and investigating agencies; and **Category C** — cases where petitioner is relegated to the forum that issued LOC. Each category raises distinct, though interrelated, legal issues which shall be addressed in the appropriate sequence in this judgment.

6. At the outset, it must be recorded that the principles laid down in the Preceding Judgment are taken as settled and shall not be departed from. The present judgment proceeds on the foundation already laid. What this Court is called upon to do in these eight petitions is to apply those principles to individual facts which, the respondents contend, make out a positive case for sustaining the LOC.

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

7. In the Preceding Judgment, the LOCs were quashed across the board because the originating agencies failed entirely to discharge the burden placed upon them to justify necessity, proportionality, and legality.

8. Before proceeding to the analysis of individual petitions, it is appropriate to revisit and further elaborate the legal framework, incorporating subsequent developments in domestic jurisprudence and drawing upon comparative constitutional law from other jurisdictions. This Court does so not because the principles stated therein require revision, but because, in the view of this Court, a more expansive articulation of the legal foundations will serve clarity and assist in the systematic adjudication of the categories of cases that now regularly come before this Court.

B. THE LAW OF LOCs

9. The Constitution of India guarantees to every person the right to life and personal liberty under Article 21. As long settled since ***Maneka Gandhi v. Union of India***[2], the scope of personal liberty is not to be construed narrowly; it encompasses the full range of rights that make life meaningful and dignified.

10. The right to travel abroad has been conclusively recognized as an integral component of personal liberty under Article 21. In ***Satwant Singh Sawhney v. D. Ramarathnam, Assistant Passport Office***r[3], the Supreme Court held that a passport, cannot be withheld arbitrarily or without

[2](1978) 1 SCC 248.
[3]AIR 1967 SC 1836,

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

authority of law, for to do so would be to deprive a person of a facet of personal liberty.

11. In ***Maneka Gandhi***, the Supreme Court held that the procedure established by law that justifies deprivation of personal liberty must not be arbitrary, unfair, or unreasonable, and must comply with the requirements of Articles 14, 19, and 21 read together. The guarantee of Article 21 cannot be satisfied by any procedure, however oppressive or unjust.

12. The tripartite test, that a restriction on personal liberty must be (i) founded on a law duly enacted by a competent legislature; (ii) procedurally just, fair, and reasonable; and (iii) not violative of other fundamental rights, applies with full force to any measure that impedes the right to travel abroad.

13. The right to movement, including international movement, is also guaranteed under Article 19(1)(d) of the Constitution, which protects the right of citizens to move freely throughout the territory of India. While the Supreme Court has held that this specific provision does not expressly extend to travel beyond the territory of India, it has also recognised that the right to travel abroad finds its protection in the broader guarantee of Article 21 read with the Preamble, which secures to every citizen liberty of thought, expression, belief, faith, and worship, and which implicitly protects the freedom to engage with the world beyond national borders. This is not merely a matter of individual convenience but goes to the heart of human autonomy and dignity.

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

14. The executive instructions that constitute the LOC regime, the Office Memoranda issued by the Ministry of Home Affairs, are not a statute. They are not legislative acts enacted by a competent legislature. As this Court held in the Preceding Judgment, an LOC, though a recognised administrative instrument, operates in a constitutionally sensitive field. The mere existence of an administrative instruction authorising the issuance of an LOC does not, by itself, satisfy the requirement of a "law" as contemplated by Article 21. Executive action operating in the field of personal liberty must have a statutory anchor; the Office Memoranda cannot serve as a substitute for legislative mandate. This position, laid down in ***Maneka Gandhi*** and applied consistently by this Court and the Bombay High Court in ***Viraj Chetan Shah v. Union of India***[4], constitutes settled constitutional law.

15. The regulatory history of LOCs has been set out in extenso in the Preceding Judgment. It suffices, for the present purposes, to record the following essential chronology. The earliest framework, a letter issued by the Ministry of Home Affairs (**"MHA"**) dated 05.09.1979, was surveillance-oriented and did not authorise prevention of departure. The Office Memorandum of 27.12.2000 introduced structured guidelines but remained limited in procedural content. A watershed development came in 2010 with the judgments of this Court in ***Vikram Sharma v. Union of India***[5], and ***Sumer Singh Salkan v. Asst. Director***[6], which set comprehensive guidelines that the MHA incorporated into the Office Memorandum of 27.10.2010. The Office Memorandum of 05.12.2017 introduced the category of "exceptional

[4]2024 SCC OnLine Bom 1195.
[5]2010 SCC OnLine Del 2475
[6]2010 SCC OnLine Del 2699

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

cases" permitting LOCs even in the absence of a cognizable offence, where departure is considered detrimental to national interests, a category that has since been subjected to extensive scrutiny in the courts.

16. The currently operative instrument is the comprehensive Office Memorandum dated 22.02.2021 (**"2021 OM"**), which superseded all earlier guidelines and remains the primary regulatory reference. The key provisions, as relevant to the present petitions, are: (H) recourse to LOC is to be taken in cognizable offences under the IPC or other penal laws, with specific reasons invariably provided; (I) in non-cognizable matters, detention, arrest, or prevention from leaving cannot be directed, only a request for intimation of arrival/departure is permissible; and (L) in exceptional cases, LOCs may be issued even where no cognizable offence is involved, but only where the departure appears detrimental to the sovereignty, security, or integrity of India, bilateral relations, strategic or economic interests, or the larger public interest.

17. Clause 6(B)(xv) of the 2021 OM, which empowered the Chairman, Managing Directors, and Chief Executive Officers of all public sector banks to seek the issuance of LOCs, has been struck down as constitutionally infirm by the Bombay High Court in ***Viraj Chetan Shah*** and affirmed in the Preceding Judgment. That position continues to hold the field, the challenge before the Supreme Court not having been resolved in favour of the banks.

18. In ***Sumer Singh Salkan***, this Court authoritatively held that an LOC can be issued only in cases involving cognizable offences, where the accused is deliberately evading arrest or not appearing before the trial court despite non-bailable warrants and other coercive measures, and where there

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

is a real likelihood of the accused leaving the country. The Court further held that the person against whom an LOC is issued must join the investigation, surrender before the court, or satisfy the court that the LOC was wrongly issued; and that an LOC may be rescinded by the originating authority or by the trial court having jurisdiction. This foundational framework has been consistently applied and elaborated in the subsequent decade and a half.

19. The Madras High Court in ***Karti P. Chidambaram v. Bureau of Immigration***[7], held that an LOC is a coercive executive measure which directly impinges upon personal liberty and cannot be issued mechanically. Mere existence of a criminal case or investigation is insufficient; there must be specific, credible material demonstrating a real and proximate threat of absconding. This Court followed and elaborated that proposition in a series of judgments. In ***Shalini Khanna v. Union of India***[8], this Court held that the expression "detrimental to economic interests" must be of a magnitude that can significantly affect the economic interests of the country, individual loan defaults do not qualify.

20. In ***Apurve Goel v. Bureau of Immigration***[9], this Court held that LOCs cannot be opened merely on the request of banks; there must be independent application of mind by the competent authority. In ***Rajesh Kumar Mehta v. Union of India***[10], and ***Bank of Baroda v. Sahil Chugh***[11], this Court and the Division Bench reiterated that mere inability to repay a

[7]2018 SCC OnLine Mad 2229.
[8]2024 SCC OnLine Del 837
[9]2023:DHC:6886
[10]2024 SCC OnLine Del 4153
[11]2025 SCC OnLine Del 9282

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

debt, without any criminal case, cannot deprive a citizen of the right to travel under Article 21.

21. In ***Brij Bhushan Kathuria v. Union of India***[12], this Court held that the phrases "economic interest" and "larger public interest" cannot be expansively interpreted to ensnare persons who were past associates of a company under investigation, without any specific role being attributed to them in the wrongdoing. In ***Anastasiia Pivtsaeva &Anr. v. Union of India &Ors.***[13], this Court held that mere familial relationship with an accused, absent concrete material showing direct complicity, cannot justify the continuation of an LOC. In ***Puja Chadha v. Directorate of Enforcement***[14],and ***Sandeep Dhanuka v. Directorate of Revenue Intelligence***[15], this Court undertook a comprehensive review of the entire LOC regime and its limits, confirming that the LOC power must be exercised sparingly and in strict conformity with the 2021 OM and the judicial framework thereunder.

22. It is further material to note that in ***Anant Raj Kannoria v. Union of India & Anr.***[16],this Court held that the mechanical continuation of an LOC, in the absence of contemporaneous justification, and where the petitioner has neither evaded the process of law nor shown any inclination to obstruct the investigation, constitutes an unwarranted and prima facie arbitrary restriction on personal liberty under Article 21. The obligation of periodic review is thus not discretionary; it is constitutionally mandated.

---

[12]2021 SCC OnLine Del 2587.
[13]2024 SCC OnLine Del 5170
[14]2025:DHC:8787.
[15]2025 SCC OnLine Del 8280.
[16]W.P.(C) 3313/2023 decided on 09.01.2026

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

C. INTERNATIONAL JURISPRUDENCE ON THE RIGHT TO TRAVEL

23. The right to travel is recognised as a fundamental human right in international law. Article 13 of the Universal Declaration of Human Rights, 1948, proclaims that every person has the right to freedom of movement within the borders of each state, and that every person has the right to leave any country, including his own, and to return to his country. Article 12 of the International Covenant on Civil and Political Rights, 1966 (**"ICCPR"**), to which India is a party, provides that everyone lawfully within a territory shall have the right to liberty of movement therein, and the right to leave any country, including his own. Article 12(3) of the ICCPR permits restrictions on this right only where they are provided by law, are necessary to protect national security, public order, public health, morals, or the rights and freedoms of others, and are consistent with the other rights recognised in the ICCPR.

24. These international obligations, though not directly enforceable in domestic courts without legislation, inform and enrich the content of the rights guaranteed under the Indian Constitution, and this Court is duty-bound to interpret constitutional provisions in a manner consistent with India's international commitments. In ***National Legal Ser Auth v. Union of India &Ors.*** the Supreme Court held that:-

> *"53.Article 51, as already indicated, has to be read along with Article 253 of the Constitution. If the parliament has made any legislation which is in conflict with the international law, then Indian Courts are bound to give effect to the Indian Law, rather than the international law. However, in the absence of a contrary legislation, municipal courts in India would respect the rules of international law. In His*

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

> *Holiness Kesavananda Bharati Sripadavalvaru v. State of Kerala (1973) 4 SCC 225, it was stated that in view of* ***Article 51 of the Constitution,*** *the Court must interpret language of the Constitution, if not intractable, in the light of United Nations Charter and the solemn declaration subscribed to it by India. In Apparel Export Promotion Council v. A.K Chopra Chopra (1999) 1 SCC 759, it was pointed out that domestic courts are under an obligation to give due regard to the international conventions and norms for construing the domestic laws, more so, when there is no inconsistency between them and there is a void in domestic law. Reference may also be made to the Judgments of this Court in Githa Hariharan (Ms) and another v. Reserve Bank of India and another(1999) 2 SCC 228, R.D. Upadhyay v. State of Andhra Pradesh and others (2007) 15 SCC 337 and People's Union for Civil Liberties v. Union of India and another (2005) 2 SCC 436. In Vishaka and* ***others v. State of Rajasthan and Others*** *(1997) 6 SCC 241, this Court under Article 141 laid down various guidelines to prevent sexual harassment of women in working places, and to enable gender equality relying on Articles 11, 24 and general recommendations 22, 23 and 24 of the Convention on the Elimination of All Forms of Discrimination against Women.* ***Any international convention not inconsistent with the fundamental rights and in harmony with its spirit must be read into those provisions, e.g., Articles 14, 15, 19 and 21 of the Constitution to enlarge the meaning and content thereof and to promote the object of constitutional guarantee****. Principles discussed hereinbefore on TGs and the International Conventions, including Yogyakarta principles, which we have found not inconsistent with the various fundamental rights guaranteed under the Indian Constitution, must be recognized and followed, which has sufficient legal and historical justification in our country.*
>
> [Emphasis Supplied]

25. In the United States, the Supreme Court in ***Kent v. Dulles***[17], held that the right to travel is a part of the "liberty" of which a citizen cannot be deprived without due process of law under the Fifth Amendment to the Constitution. Justice William O. Douglas, writing for the Court, observed that freedom of movement across frontiers in either direction, and inside frontiers as well, is a part of the "liberty" of which the citizen cannot be

[17] 357 U.S. 116 (1958).

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

deprived without due process of law. The Court noted that this right is deeply embedded in our constitutional heritage, intimately related to personal choice and dignified existence.

26. The Supreme Court of Canada, in ***Colet v. The Queen***[18], and subsequently under the Canadian Charter of Rights and Freedoms, Section 6, has recognised the right to enter, remain in, and leave Canada as a protected mobility right. The Charter imposes on the state the obligation to justify any limitation on mobility rights under Section 1, which permits limitations only by "a reasonable limit prescribed by law" that "can be demonstrably justified in a free and democratic society." The requirement that a limitation be "prescribed by law", meaning that it must be accessible, precise, and foreseeable, closely mirrors the requirement in Indian constitutional law that a restriction on personal liberty must be founded on a law duly enacted by a competent legislature, as held in ***Maneka Gandhi***.

27. The Privy Council, in ***Thomas v. Baptiste***[19], affirmed that the right to liberty and personal freedom is a constitutional right of the highest order, and that even in cases involving persons suspected of serious crime, the State must act strictly in accordance with the procedures established by law, respecting both the letter and the spirit of constitutional guarantees. The Privy Council's consistent emphasis on the need for strict procedural compliance, not merely nominal adherence to form but substantive compliance with the rights of the individual, informs this Court's approach

[18][1981] 1 SCR 2.
[19][2000] 2 AC 1

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

in insisting on an independent, reasoned, and speaking order before any LOC is issued or continued.

28. Drawing from the domestic and comparative constitutional jurisprudence discussed above, this Court confirms all the 9 propositions of law laid down in the Preceding Judgment. Para 34-38 are extracted herein as under:

> *"33. On a conspectus of constitutional provisions, the regulatoryframework, and the entire body of judicial opinion surveyed above,this Court distils the following governing legal principles for theissuance, continuance, and judicial review of Look Out Circulars:*
> *34.* ***First****, the right to travel abroad is an integral facet of the fundamental right to life and personal liberty under Article 21 of theConstitution. Any restriction on this right must be founded on law,must follow a procedure that is just, fair, and reasonable, and must notviolate any other fundamental right. Executive instructions cannot be asubstitute for legislative mandate for the possible restriction offundamental rights.* ***Second,*** *an LOC is a coercive executive measureof last resort. It is not a routine tool for law enforcement or debtrecovery. Recourse to an LOC may be taken only in cases involving acognizable offence under the IPC or other penal laws, where the accused is deliberately evading arrest or not appearing before the trial Court despite NBWs and other coercive measures, and there is a real and proximate likelihood of absconding.*
> *35.* ***Third,*** *public sector banks, through their Chairman, Managing Directors, or Chief Executive Officers, do not possess legal authority to seek the opening of an LOC. Clause 6(B)(xv) of the 2021 OM (equivalent to Clause 8(b)(xv) of the 2010 OM), which conferred such power upon bank officials, stands quashed by decisions of both this Court and the Bombay High Court.*
> *36.* ***Fourth****, mere inability to repay a debt, without there being a criminal case, cannot be a reason to deprive a citizen of the fundamental rights guaranteed under Article 21. The issuance of an LOC cannot be resorted to in every case of bank loan default or credit facility availed for business purposes. Where the person against whom the LOC is opened has not been arrayed as an accused in any offence for misappropriation or siphoning, the LOC cannot be sustained.* ***Fifth,*** *the power under Clause 6(L) of the 2021 OM to issue an LOC in cases detrimental to the "economic interests of India" is to be narrowly construed and must be exercised only in rare and compelling*

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

circumstances where the proposed departure poses a clear and grave threat to the national or systemic economic interests of India, not in cases of routine commercial default or individual business failure. The quantum of the alleged default and the nature of the loss must be assessed to determine whether it genuinely imperils the national economic interest.

*37. **Sixth,** the authority charged with opening an LOC must apply its mind independently and cannot act as a mere instrument of the originating agency. There must be a speaking order, based on specific and credible inputs, justifying the necessity of the restraint. A mechanical or pro forma compliance with the originating authority's request cannot satisfy this requirement. Seventh, an LOC cannot be issued against a person merely on account of his status as a director, guarantor, shareholder, or family member of a defaulting borrower, in the absence of specific material demonstrating his direct and personal role in the alleged wrongdoing. Guilt is personal and not vicarious in civil or criminal liability.*

*38. **Eighth,** the continuance of an LOC is not indefinite. It must be periodically reviewed and must be withdrawn when its purpose has been served. Where the subject has cooperated with the investigation, has not evaded process, and where no further interrogation or presence is required, the continued operation of an LOC amounts to an unreasonable and unjustified restriction on personal liberty. **Ninth,** while the High Court, in exercise of writ jurisdiction, is duty-bound to subject LOCs to strict judicial scrutiny, the Writ Court is not the exclusive forum for challenge. A person against whom an LOC has been issued may, in the first instance, approach the originating authority for withdrawal, or approach the trial Court for its rescission or modification. However, where these remedies are inadequate or ineffectual, the writ jurisdiction is clearly available. **Tenth**, the burden of justifying the necessity, proportionality, and legality of an LOC lies squarely upon the originating agency. In the absence of such justification, the LOC cannot be sustained. Courts must not accept bald assertions of security concerns or economic interest without requiring the originating agency to place credible material before the Court."*

29. The weight of constitutional and comparative jurisprudence surveyed above firmly places the burden of justifying an LOC upon the originating agency. However, this Court is equally mindful that the LOC regime serves a legitimate and important purpose: the prevention of flight from justice, the

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

protection of ongoing investigations, and the preservation of the sovereignty and integrity of the State's law enforcement apparatus. The framework of this Court, and the international standards with which it aligns, does not deny the legitimacy of these interests; it demands that they be pursued through means that are proportionate, documented, and subject to judicial oversight.

D. ANALYSIS

I. LOCs ISSUED AT THE BEHEST OF FINANCIAL INSTITUTIONS/BANKS

(i) W.P.(C) 18435/2025

30. The petitioner, M. Thiagarajan, an entrepreneur based in Madurai, Tamil Nadu, and the Key Managerial Personnel of M/s Paramount Textile Mills Pvt. Ltd. ***("PTMPL"),*** a Government of India recognised Two Star Export Trading House engaged in the export of textiles and related goods to international markets seeks quashing of the LOC dated 20.11.2021, issued against him at the instance of Respondent No. 2/Indian Bank.

31. The petitioner was formerly the Managing Director of Paramount Airways Private Limited ("PAPL"), a private airline company currently under liquidation, in which capacity he served until his formal resignation on 05.09.2009. It is the petitioner's case that his executive authority within PAPL was significantly curtailed even prior to his resignation, specifically from 16.09.2007 onwards following a resolution passed in an Extraordinary General Meeting of PAPL dated 15.09.2007, which restricted his role in the financial and operational affairs of the company. Importantly, the petitioner

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

was not a personal guarantor for any of the credit facilities availed by PAPL from Respondent No. 2, and had ceased to be a signatory on any company financials from 15.09.2007, well before the alleged financial irregularities and non-repayment of loans came to light.

32. Respondent No. 2 Bank, which is one of the complainants in the ongoing criminal proceedings, alleges that public money in excess of Rs. 50 crores remains exposed on account of the financial irregularities of PAPL, and seeks the continuance of the LOC on that basis.

33. The petitioner has been made a party to multiple proceedings arising out of his erstwhile association with PAPL. FIR bearing RC No. 7(E)/2011 was registered against him under Sections 13(2) read with 13(1)(d) of the Prevention of Corruption Act and Section 120B read with Section 420 IPC, which culminated into CBI proceedings titled ***"CBI vs. Ramadoss Etc."*** bearing CC No. 73/2019, presently pending for arguments on charge before the Ld. Special Judge (PC Act) CBI-03, Rouse Avenue District Courts, New Delhi, in which the petitioner was enlarged on bail vide order dated 22.01.2013 and has duly complied with all bail conditions.

34. A second CBI case titled "***CBI vs. Paramount Airways Private Limited***" bearing Case No. 239/2019 (CNR No. DLCT12-000751-2019) is pending before the Ld. Special Judge CBI-03, Rouse Avenue District Courts, New Delhi, in which the petitioner was enlarged on bail vide order dated 01.09.2022, with charges yet to be framed.

35. In both CBI cases, Respondent No. 2 Bank has itself joined the investigation and its officials have been listed as prosecution witnesses in

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

the respective chargesheets. In the Enforcement Directorate proceedings under the PMLA bearing ECIR No. ECIR/CEZO/07/2016, the investigation qua the petitioner stands completed and no custody of the petitioner has been sought at any stage. SFIO proceedings bearing EOCC No. 1731/2016 are pending before the competent court, in which the petitioner has fully cooperated.

36. During the pendency of the CBI proceedings, the Ld. Special Judge, PC Act (CBI)-03, Rouse Avenue District Courts, New Delhi, vide order dated 01.04.2025, permitted the petitioner to travel to Kuala Lumpur from 04.04.2025 to 11.04.2025, and the petitioner duly complied with all conditions imposed therein and returned to India within the stipulated period, demonstrating his *bonafides.*

37. Having set out the facts of each of the aforementioned petitions, this Court finds it apposite to note that all abovementioned petitions, though arising from distinct factual matrices, share a common and identical legal thread: in each case, the LOC has been issued solely at the instance of a public sector bank, in the absence of any subsisting independent criminal proceeding forming the foundation for such issuance, or in cases where the petitioner is either not named as an accused, has been discharged by the Trial Court, or is merely a guarantor or former director with no direct and personal complicity established in the alleged fraud or misappropriation. It is for this reason that all petitions are being considered and disposed of together, as they raise identical questions of law and call for the application of the same settled legal principles.

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

38. The fundamental question before this Court in these petitions resolves itself into a single compound inquiry, whether the concerned LOCs qualify and meet the principles set out by this Court in para. 34-38 of this judgement, including, *inter alia*, whether at the time of issuance of the LOC, a live and validly registered cognizable offence under the IPC or any other penal statute, and was the LOC issued by a competent authority acting upon credible, specific, and independently verified material? Where the LOC is found to fall ill with the principles enunciated above, the LOC must fall, and this Court is constitutionally obligated to quash it. When the facts of each of the aforenoted petitions before this Court are tested against this standard, it is evident that none of them satisfy the requirement of law.

39. The LOC is accordingly quashed and set aside in, subject to the following conditions:-

a. Petitioner shall be entitled to travel abroad without any prior permission from this Court. The petitioner shall, however, intimate the concerned Bank, with their full itinerary either personally or through counsel, at least 48 hours prior to his/her departure;

b. If, for any reason, it is not possible to furnish the said intimation within 48 hours, the same shall be furnished immediately when the travel plan is finalised; and

c. If on account of a change in law, including a declaration by a Court, affirming the competence/jurisdiction of financial

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

institutions to seek the issuance LOCs, the institutions shall be at liberty to seek the issuance of LOCs in accordance with law.

40. The concerned Banks are directed to inform the Bureau of Immigration regarding, *inter alia*, the quashing of the LOCs against the respective petitioners, and to take all necessary steps to ensure that the petitioners are not impeded from travelling abroad. The petitioner shall also be at liberty to send such communication to the Immigration Department independently.

II. LOCs ISSUED BY INVESTIGATING AGENCIES AND MINISTERIES

(ii) W.P.(C) 3100/2022

41. The petitioner is an Indian citizen permanently residing in Delhi, and is the Co-founder of Ceekr, an organization which enriches personal growth of an individual by being a community and content-driven social network. Respondent No. 4/Central Board of Direct Taxes conducted searches at the office and residential premises of the petitioner and her husband on 03.02.2021 and 10.02.2021, during the course of which the statement of the petitioner was duly recorded, thereby evidencing her full and voluntary cooperation with the investigation from the very inception.

42. On 14.02.2022, the petitioner, while travelling to the United States of America for the nasal surgery of her daughter which was scheduled on 18.02.2022, was detained by the airport authorities at IGI Airport and her boarding pass was cancelled on account of LOC opened in her name.

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

43. Since the filing of the present Writ Petition, the Petitioner has been permitted to travel abroad on 10 occasions, and on each and every such occasion, the petitioner has duly complied with all conditions imposed upon her and has returned to India within the stipulated period without any default or violation, thereby demonstrating in the most unequivocal manner that the petitioner is not a flight risk and harbours no intention of evading the process of law or absconding from the jurisdiction of this Court. The travel permissions so granted are provided as under:-

S. No	Order Date	Destination	Purpose of Travel
1.	*11.05.2023*	*USA*	*Daughter of the petitioner is graduating from The New School University*
2.	*07.06.2023*	*European Union (Spain, France &Italy)*	*50th Wedding Anniversary of close relatives*
3.	*11.09.2023*	*Italy*	*N/A*
4.	*03.01.2024*	*Bangkok, Thailand*	*Expansion of business*
5.	*24.06.2024*	*USA*	*Professional commitments*
6.	*14.11.2024*	*Muscat, Oman*	*Personal commitments*
7.	*03.02.2025*	*Bangkok, Thailand*	*Personal commitments*
8.	*19.03.2025*	*USA*	*N/A*
9.	*16.12.2025*	*Phuket, Thailand*	*N/A*
10.	*25.03.2026*	*USA*	*N/A*

44. It is further pertinent to note that the application for citizenship of Malta, which was applied for by the husband of the petitioner in the year

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

2016 for himself and his dependents including the petitioner herein, was rejected in the year 2018 by the Individual Investor Program Agency, Malta, on account of non-completion of the application within the stipulated two-year time frame, and accordingly no pending application seeking citizenship of Malta remains in the name of the petitioner.

(iii) W.P.(C) 1978/2025

45. The petitioner, is a Director of Wave Megacity Centre Pvt. Ltd. **("WMCC"),** a company engaged in the business of real estate development, and has served in the said capacity until his resignation on 29.12.2023.

46. On 25.03.2021, WMCC was constrained to prefer Company Petition (IB) No. 197/PB/2021 before the National Company Law Tribunal, New Delhi **("NCLT")** under Section 10 of the Insolvency and Bankruptcy Code, 2016 on account of certain disputes and illegal demands being raised by NOIDA Authority in relation to the Project Wave Mega City Centre. Vide Order dated 06.06.2022, the said Company Petition came to be dismissed by the NCLT, New Delhi, and a direction was issued to the Central Government to make necessary investigation into the affairs of the said Company. WMCC's appeal against the said Order also came to be dismissed by the NCLAT vide Judgment dated 05.01.2023, and the Order passed by the NCLT was upheld.

47. On the basis of the Judgment dated 06.06.2022 passed by the NCLT and upheld by the NCLAT *vide* Judgment dated 05.01.2023, Respondent No. 2/Ministry of Corporate Affairs **("MCA")** initiated investigation vide Reference No.INV/210/RDNR/200/2023/I00086693 against WMCC, which

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

is presently ongoing. The impugned LOC was opened at the behest of Respondent No. 2/MCA pursuant to the aforesaid investigation initiated consequent upon the Order of the NCLAT dated 05.10.2023.

48. During the course of investigation being carried out by Respondent No. 2, the petitioner has extended complete cooperation and has appeared and provided requisite information to the Notices issued by Respondent No. 2 under Section 210(1)(c) and (2) r/w Section 217 of the Companies Act, 2013 on 26.07.2023, 30.10.2023, and 16.02.2024, appearing before the Investigating Officer on 21.11.2023 and 28.02.2024 respectively, and furnishing requisite information vide Letter dated 06.03.2024.

49. Across all of the aforesaid proceedings, no adverse observation has been made qua the Petitioner's conduct or cooperation, no non-bailable warrant has been issued against him, and no coercive measure of any nature has been taken or sought against him at any stage.

50. During the pendency of the present proceedings, this Court has permitted the petitioner to travel abroad on four separate occasions, and on each and every such occasion, the petitioner has duly complied with all conditions imposed by this Court and has returned to India within the stipulated period without any default or violation whatsoever, thereby demonstrating that the petitioner is not at flight risk. Travel permissions are produced as under:-

S.No.	Order Date	Destination	Purpose of Travel
1.	*26.08.2025*	*Zurich,*	*Family Vacation*

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

		Switzerland & London	
2.	*24.11.2025*	*Maldives*	*Family Vacation*
3.	*17.12.2025*	*France &Netherlands*	*Family Vacation*
4.	*23.01.2026*	*Kazakhstan*	*Family Vacation*

51. It is further pertinent to notice that this Court, in proceedings arising out of identical facts and circumstances, has already set aside the LOC issued against co-directors of the petitioner in ***Ritu Singal***. It is submitted that the petitioner herein stands on an equal footing as compared to the co-directors in whose favour the aforesaid orders came to be passed, and no distinguishing circumstance exists which would justify the continuance of the impugned LOC against the Petitioner.

(iv) W.P.(C) 6745/2025

52. The instant petition has been filed under Article 226 of the Constitution of India read with Section 151 of the Code of Civil Procedure, 1908 seeking quashing of the Look Out Circular issued by Respondent No. 2/Income Tax Department against the petitioner.

53. The petitioner filed his Income Tax Return for the Assessment Year 2021-2022 through the Income Tax Department's e-filing portal bearing Acknowledgement Number 760639930291021, in which the petitioner declared a total income of Rs. 11,03,530/-. On 09.03.2022, a search and

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

seizure operation under Section 132 of the Income Tax Act, 1961 was carried out by Respondent No. 2 in the 'Sterre Sharma Group' cases at various business and residential premises associated with the said group, and the residential premises of the petitioner were also covered under the said operation.

54. It is submitted that as of date, no investigation by Respondent No. 2 is pending against the petitioner, no cognizable offence has been registered against him, no FIR has been lodged, no warrant has been issued, and no proceedings of any nature are subsisting against the petitioner. The petitioner has deep roots in India, is a permanent resident of Delhi, is a tax payer, and continues to be professionally active.

55. On receipt of information regarding alleged non-disclosure of foreign properties, a search and seizure action was conducted on 24.10.2024 and concluded on 27.10.2024 at various premises of the petitioners in Safdarjung Enclave, New Delhi and at Narmada River View Resort, Madhya Pradesh. Certain incriminating material was found which *prima facie* revealed an undisclosed foreign entities and assets, including an entity by the name of Safai International operating in Tashkent, Uzbekistan, purportedly run by petitioner no. 1.

56. There is no FIR registered against any of the petitioners nor is any cognizable offence under investigation. On 14.04.2025, petitioner no. 1 submitted a written request to the Respondent seeking withdrawal of the LOC for himself and his family members, assuring continued cooperation. For the past six months, no further summons or notices have been issued to the petitioners.

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

(v) W.P.(C) 16047/2025

57. The petitioner is a citizen of the People's Republic of China who was engaged as a Director of Navitasys India Private Limited ("NIPL"), an Indian company engaged in the business of manufacturing lithium-ion batteries, through Board Resolution dated 18.03.2019, for the purpose of providing technical expertise and know-how in order to develop the manufacturing operations of NIPL in India. The petitioner is not a Key Managerial Personnel of NIPL and his role was limited to providing technical supervision regarding customer relations and quality control, necessitating his regular business visits to India.

58. The petitioner travelled to India on 12.07.2025 for the discharge of his official work. On 31.07.2025, NIPL was served with a Notice of Investigation by the Serious Fraud Investigation Office **("SFIO")** under Section 212 of the Companies Act, 2013. Notwithstanding the fact that the petitioner was not a Key Managerial Personnel of NIPL, the petitioner extended his complete cooperation to the SFIO and appeared before it on 09.10.2025 and 31.10.2025, responding to every query to the best of his knowledge and providing all clarifications sought by the SFIO regarding NIPL's operations, management, and decision-making structure.

59. During the pendency of the present proceedings, this Court permitted the petitioner to travel to China *vide* order dated 01.12.2025 on one occasion from 12.12.2025 to 28.01.2026 and the Petitioner duly complied with all conditions imposed by this Court and returned to India within the stipulated period without any default or violation whatsoever, thereby demonstrating that the petitioner is not a flight risk.

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

60. Ld. counsel for Respondent No. 3/SFIO, upon instructions, submitted before this Court that the investigation by the SFIO has been completed and that as of now, no fraud element has appeared against the petitioner.

(vi) W.P.(C) 3492/2026

61. The petitioner seeks quashing of the LOC issued at the instance of Respondent No. 1/Department of Revenue and Respondent No. 2/SFIO. Investigation under Section 212 of the Companies Act, 2013 had commenced in the year 2019 against the petitioner in connection with the affairs of Punj Lloyd Limited. The petitioner was last summoned to join the investigation on 23.09.2024.

62. It is most pertinent to note that SFIO, in its counter affidavit filed in W.P.(C) 14557/2025, has itself taken a categorical position that the investigation stood completed. As of date, no complaint, prosecution report, or charge-sheet has been filed against the petitioner before any court of competent jurisdiction.

63. Parallelly, proceedings were initiated against the petitioner under the Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015 ("**Black Money Act**"), and an Assessment Order came to be passed on 30.03.2024, Aggrieved by the said Assessment Order, the Petitioner preferred an appeal before the Commissioner of Income Tax (Appeals), who further reduced the assessed undisclosed foreign assets/income to Rs. 7,34,676/- vide order dated 14.07.2025. The petitioner, being aggrieved even by the said order of the Commissioner of Income Tax

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

(Appeals), has preferred a further appeal before the Income Tax Appellate Tribunal ("ITAT"), which is presently pending adjudication.

64. It is further pertinent to bring to take note that the Petitioner has, on five separate occasions, been permitted by this Court in W.P.(C) 9372/2024 to travel abroad, and on each and every such occasion, and the petitioner duly complied with all conditions imposed and returned to India within the stipulated period without any default or violation whatsoever. The details of the said orders, are as under:

S.No.	Order Date	Destination	Purpose of Travel
1.	*07.01.2025*	*United Kingdom*	
2.	*16.05.2025*	*UAE, Bahrain, UK & Italy*	*Business Meetings*
3.	*21.08.2025*	*Portugal, Spain & UAE*	*Medical Treatment*
4.	*09.01.2025*	*UAE & Sri Lanka*	
5.	*12.01.2026*	*Thailand & Singapore*	*Business*

65. Having considered the overall facts and circumstances, this Court finds that the case of the petitioner squarely falls within Category B of the judgment passed in the case of ***Ritu Singal v. Bureau of Immigration & Ors.***, wherein this Court categorised writ petitions in Para 3 as:-

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

> *"3. These writ petitions have been categorised into three broad classes for the purposes of discussion, analysis, and disposal, namely: **Category A** — cases where the Look Out Circular has been issued solely at the instance of financial institutions; **Category B** — cases where the Look Out Circular has been issued at the instance of ministries and investigating agencies; and **Category C** — cases where petitioner is relegated to the forum that issued LOC. Each category raises distinct, though interrelated, legal issues which shall be addressed in the appropriate sequence in this judgment.*
> *93. The present petitions have been filed by five petitioners, all members of the same family, seeking quashing of the LOCs issued against them at the instance of the Serious Fraud Investigation Office ("**SFIO**"). The petitioners were appointed to different positions in Assotech Limited, a company engaged in real estate development having executed multiple projects across Delhi and the National Capital Region."*

66. The continuation of the impugned LOCs in the aforenoted cases is not sustainable, they are accordingly set aside, subject to the following conditions:

a. The petitioners shall be entitled to travel abroad without any prior permission of this Court. The petitioners shall, however, intimate and provide the full itinerary to the concerned department/agency, either personally or through counsel, at least 48 hours prior to their departure; and

b. If, on account of a change in law, or any other supervening event, including a declaration by a Court, the institutions shall be at liberty to seek the issuance of LOCs in accordance with law.

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

67. The concerned Investigating agencies/Ministries are directed to inform the Bureau of Immigration regarding, *inter alia*, the quashing of the LOCs against the respective petitioners, and to take all necessary steps to ensure that the petitioners are not impeded from travelling abroad. The petitioner shall also be at liberty to send such communication to the Immigration Department independently.

68. With the aforesaid directions, the aforesaid petitions stand disposed of accordingly.

69. While the aforesaid common conditions shall apply to all abovementioned petitions, it is further directed that in certain petitions, the following additional conditions shall apply over and above the common conditions set out hereinabove.

W.P.(C) 6745/2025

70. The petitioner shall disclose all his assets, to the IT Authority, held by him or the company entities controlled by him directly or indirectly in any foreign country whether it is movable or immovable within 15 days from the date of receipt of this order.

III. APPROPRIATINESS OF RELEGATING THE PETITIONER TO THE FORUM THAT ISSUED THE LOC

71. Having disposed of the category of matters wherein the LOC warranted outright quashing, it is necessary to advert to a separate and doctrinally distinct category of cases presently before this Court, wherein the factual matrix does not justify immediate annulment of the LOC, and

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

wherein the relief sought by the petitioners is more appropriately and efficaciously available by way of recourse to the forum that originally passed the order directing issuance of the Letters of Caution, or to the Court seized of the underlying criminal proceedings.

72. These constitute those categories of cases wherein the writ court, upon final disposal of the writ petition, has refrained from interfering with the LOC while contemporaneously issuing a direction to the petitioner to seek appropriate relief before the competent authority or forum that originally issued the order for issuance of the LOC. This mode of adjudicatory disposal warrants distinct and considered analytical treatment, inasmuch as it reflects a nuanced judicial acknowledgment of the constitutional equilibrium between the writ Court's plenary and supervisory jurisdiction on the one hand, and the institutional primacy and precedential competence of the originating forum as the court or authority of first instance on the other. The *locus classicus* governing this category of cases is the decision in ***Sumer Singh Salkan,*** which enunciated comprehensive and binding guidelines constituting the normative framework for the Letters of Caution regime. It specifically held as under:

> "*11A… 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.*

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

> *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.*"

73. The disposal of a writ petition with a direction to approach the forum issuing LOC or undertaking an investigation, is not a rejection of the petitioner's grievance on merits but a recognition of the institutional design of the LOC regime, which contemplates a layered grievance-redressal mechanism. The petition dealt with hereinbelow fall squarely within this category.

(vii). W.P.(C) 7051/2024

74. The petitioner, a law-abiding citizen of India and a permanent resident of Kolkata, West Bengal, is an actor by profession having featured in various Hindi and Regional Cinema and Web-Series, and was a non-executive director in certain companies engaged in the business of construction, entertainment industry and allied activities. The petitioner seeks quashing of the Look Out Circular and/or revocation of the ban/restriction imposed on his travel abroad by the Respondents, at the instance of Respondent No. 2/Ministry of Corporate Affairs, without any basis, notice, or communication having ever been served upon him.

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

75. On 19.10.2023, the petitioner was stopped at the Netaji Subhash Chandra Bose International Airport, Kolkata, when he was travelling to Singapore along with his wife and daughter. The petitioner was informed by the Immigration Officer that a ban/restriction had been imposed on his travel abroad by the Ministry of Corporate Affairs and that he should get in touch with Respondent No. 2 for further details. The petitioner was not furnished with a copy of any notice/circular imposing such ban, nor were any reasons or particulars in relation thereto communicated to him, and till date no such copy has been received by the petitioner. The petitioner had no knowledge whatsoever of any travel ban or any proceedings pending against him until the said incident occurred at the Kolkata International Airport.

76. Thereafter, the petitioner undertook multiple bona fide steps to ascertain the reasons for the said travel ban. The petitioner sent an email to Respondent No. 2 on 20.10.2023 seeking information and guidance, submitted a detailed representation dated 23.12.2023 to Respondent No. 2 requesting disclosure of the details and relevant documents/notice in relation to the ban, filed an online RTI application dated 23.12.2023 before the Ministry of Corporate Affairs which was disposed of on 22.01.2024 with the reply that no such data was available with the public authority, sent a further email dated 17.02.2024 to Respondent No. 2 requesting intervention and response, and caused a detailed representation dated 11.03.2024 to be served upon Respondent No. 1 by email and speed post, which was received on 14.03.2024. Despite the aforesaid representations and reminders, no response of any nature has been received from either Respondent till date,

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

leaving the petitioner entirely in the dark as to the reasons and details of the travel restriction imposed upon him.

77. In view of the foregoing, the present petitions are disposed of with the following directions:

a. The writ petitions are disposed of with liberty to the respective petitioners to approach the Court of competent jurisdiction before which the chargesheet/complaint is pending, seeking modification or cancellation of the LOC, as the case may be;

b. The concerned Courts shall consider such applications expeditiously and in accordance with law; and

c. It is made clear that this Court has not expressed any opinion on the merits of the LOC or the underlying criminal proceedings, and the disposal of these petitions shall not prejudice the rights of any party before the trial court.

D. CONCLUSION

78. In view of the foregoing discussion and the reasons recorded hereinabove, all the writ petitions listed herein, being**, W.P.(C) 18435/2025, W.P.(C)3100/2022, W.P.(C) 1978/2025, W.P.(C) 6745/2025, W.P.(C) 16047/2025, and W.P.(C) 3492/2026,** stand disposed of along with all the pending applications in the above terms. The Impugned LOCs issued against the respective petitioners in each of the aforementioned writ petitions are, hereby, set aside and quashed.

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV

79. So far as **W.P(C) 7051/2024** is concerned, the petitioners in the said writ petitions are relegated to the appropriate forum to seek relief in accordance with law. It is clarified that this Court has not expressed any opinion on the merits of the claims of the said petitioners, and it shall be open to them to avail such remedies as may be available to them in law. The said writ petitions, along with all pending applications, stand disposed of accordingly.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

MAY 15, 2026
NK/SH/P/aks

Signature Not Verified
Signed By:AMIT KUMAR SHARMA
Signing Date:22.05.2026 18:06:34

Signature Not Verified
Signed By:PURUSHAINDRA KUMAR KAURAV