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

+ **W.P.(C) 4258/2024 & CM APPL. 17302/2024, CM APPL. 17303/2024**

VIJAY CHOUDHARY & ANR.

..... Petitioners

Through: Mr. Arup Sinha, Mr. Chetan Pathak,
Ms. Arham Tanvir, Mr. Sanket
Vashistha, Mr. Uday Arora, Mr.
Dhairya BM Verenka, Mr. Akhil
Kumar, Advocates
(M:9911101151,email:adv.arhamt@g
mail.com)

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Anurag Ahluwalia, CGSC with
Mr. Tarveen Singh Nanda, Advocate
for R-1&2 (M:9811418995)
Mr. Arun Aggarwal, Mr. Shivam
Saini, Mr. Praful Rawat, Ms. Aditi
Gupta, Advocates for R-4/BOB
(M:9811087995,email:advarun36@g
mail.com)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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21.03.2024

CM APPL. 17302/2024 (For Exemption)

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

W.P.(C) 4258/2024 & CM APPL. 17303/2024

3. The present petition has been filed seeking issuance of appropriate directions for setting aside the Look Out Circulars ("LOCs") which have



been issued by the respondent-banks against the petitioners.

4. Learned counsel for petitioners submits that the LOCs have been issued without any legal authority or basis and in contravention of Article 14, 19 and 21 of the Constitution of India. It is submitted that the petitioners are law-abiding citizens and are facing allegations relating to a loan default by a consortium of banks, which has led to their implication as accused in criminal cases since 2011. It is submitted that despite facing such allegations, the petitioners have been appearing before the authorities whenever summoned, and all the cases against them have resulted in bail being granted to them.

5. Learned counsel for petitioners submits that petitioner no. 2 is a homemaker and has been implicated in the case solely on the basis of her relationship with the petitioner no. 1, being wife of petitioner no. 1. It is further submitted that petitioners' daughter, who resides in the UAE, is expecting her first child. Given her health condition and desire to have her parents by her side during this significant period, it is prayed that petitioner no. 2 may be allowed to travel to UAE to take care of her daughter.

6. Issue notice. Notice is accepted by learned counsels for respondents.

7. Let reply be filed within a period of four weeks. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

8. Mr. Tarveen Singh Nanda, Advocate appearing on behalf of respondent nos. 1 and 2 submits that Central Bureau of Investigation ("CBI") is a necessary party in the present case. Accordingly, on oral request of learned counsel for petitioners, the CBI is impleaded as respondent no. 5 in the present petition.

9. Let amended Memo of Parties be filed within a period of one week.



10. Learned counsel appearing for respondent nos. 1 and 2-UOI submits that the present petition is not maintainable before this Court. He relies upon the judgment dated 31st August, 2022 passed in the case of ***Girish Sagar Versus Union of India & Others, W.P.(CRL) No. 3420/2019.***

11. Per contra, learned counsel for petitioner submits that another Coordinate Bench of this Court by judgment dated 05th January, 2024 in the case of ***Rahul Dilip Shah Versus Union of India and Anr., W.P.(C) 13790/2023***, has categorically held that the petition would be maintainable in the present court, since the LOCs have been issued in Delhi.

12. Learned counsel for petitioners has also relied upon the common order dated 16th March, 2024 issued by the court of Addl. Chief Metropolitan Magistrate, 3rd Court, Esplanade, Mumbai in *Case No. 1115 to 1122/MISC/2024*, wherein petitioner no. 2 has been granted permission to travel abroad to Dubai from 22nd March, 2024 to 28th April, 2024. The order dated 16th March, 2024 passed by the court of Addl. Chief Metropolitan Magistrate, 3rd Court, Esplanade, Mumbai is reproduced as under:

“1) Misc. Application Nos. 1115 To 1122/MISC/2024 are allowed.

*2) The applicant/accused Manjri Vijay Choudhary is permitted to travel abroad i.e. Dubai from 22.03.2024 to 28.04.2024 to look after her daughter Mrs. Divya Chaudhary, who is undergoing pregnancy phase and is 22 weeks pregnant, on the conditions that she shall furnish Total cash security of **Rs.5,00,000/- (Rupees Five Lakhs only)** for all misc. applications.*

3) The applicant/accused shall inform her details regarding her place of stay, detail addresses, telephone, contact numbers including cell phone in detail itinerary to the Investigating Officer.

4) The applicant/accused shall not seek any extension of time from abroad on any count.

5) She shall intimate her departure and arrival in India to the Investigating Officer.



- 6) *The applicant/accused is directed to be available on video conference of the court as and when called for framing of charge against her, hearing of the case during her travel at abroad.*
- 7) *In case, the applicant / accused commits breach of any condition, the aforesaid cash security amount shall be forfeited to the State and non-bailable warrant will be issued against her.*
- 8) *The applicant/accused is further directed to file an undertaking that she will not have any objection, if any order against her is passed in the proceeding pending before this court, if she or her advocate remains absent on the date of hearing and fails to file proper application according to law, during the said period of travel.*
- 9) *The applicant/accused shall not dispute her identity during the course of trial and shall remain present before Court through advocate.*
- 10) *The applicant/accused is directed to comply all the conditions before travelling abroad without fail and if she fails to do so, then this permission to travel abroad stands rejected.*
- 11) *Copy of this order be kept in all misc. applications and original CBI cases.*
- 12) *This permission to travel abroad is granted to applicant/accused only for the cases, which are pending before this Court."*

13. He, thus, submits that the petitioner no. 2 be allowed to visit Dubai so that she can take care of her daughter.

14. Opposing the aforesaid request, learned counsel appearing for respondent no. 4-Bank of Baroda, Mumbai submits that petitioner no. 2 has already travelled abroad 7 to 8 times, as claimed by the petitioners. He submits that there are serious allegations against the petitioners and that the petitioners are in default in not paying the dues of the respondent-banks.

15. Having heard learned counsels for the parties, this Court is of the view that since petitioner no. 2 is stated to have travelled abroad 7 and 8 times earlier and there have been no instances of the petitioner absconding from there, therefore, it is directed that the petitioner no. 2 be allowed to



travel abroad. This Court also records that by order dated 16th March, 2024 passed by the court of Addl. Chief Metropolitan Magistrate, 3rd Court, Esplanade, Mumbai, petitioner no. 2 has already been granted permission to travel to Dubai from 22nd March, 2024 to 28th April, 2024.

16. Accordingly, this Court permits petitioner no. 2, i.e., Manjri Choudhary to travel abroad, i.e., Dubai from 22nd March, 2024 to 28th April, 2024 to look after her daughter Ms. Divya Choudhary, who is in the advanced stage of pregnancy.

17. It is directed that the aforesaid permission to travel abroad is subject to the following conditions:

- 1) Petitioner no. 2 shall furnish cash security/bank transfer of Rs. 10 Lacs in favour of respondent no. 4-bank. Respondent no. 4-bank is directed to furnish details of accounts to the learned counsel appearing for the petitioners on the E-mail Id which is reflected in today's order, for the purposes of remittance of the amount in question to the respondent no. 4-bank.
- 2) Petitioner no. 2 shall intimate her details regarding her place of stay, detailed addresses, telephone, contact numbers, including cell phone in detailed itinerary to the bank.
- 3) Petitioner no. 2 shall not seek any extension of time from abroad on any account.
- 4) Petitioner no. 2 shall intimate her departure and arrival in India to the respondent no. 4-bank, supported with photocopy of ticket details.
- 5) In case the petitioner no. 2 commits breach of any condition, the aforesaid security amount shall be forfeited to the respondent no.



4-bank and non-bailable warrants will be issued against her.

18. For the aforesaid compliances, list before the Joint Registrar on 22nd March, 2024.

19. List before the Court on 16th August, 2024.

MINI PUSHKARNA, J

MARCH 21, 2024

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