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

+ W.P.(C) 8911/2021 & CM APPL. 27679/2021 (Exemption), CM APPL. 27680/2021 (Exemption), CM APPL. 27681/2021 (Exemption), CM APPL. 27682/2021 (interim Relief)

JASJIT SINGH & ANR. Petitioner
Through Mr. Chetan Lokur with Mr. Nitish Chaudhary, Advs.

versus

UNION OF INDIA & ANR Respondent
Through None.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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23.08.2021

CM APPL. 27679-81/2021 (Exemption)

1. Exemptions allowed, subject to all just exceptions.
2. Notarized affidavit be filed within two weeks of the Court resuming physical hearing.
3. The applications are disposed of.

W.P.(C) 8911/2021 & CM APPL. 27682/2021 (interim relief)

4. The present petition has been circulated in the supplementary list at 4:00 PM upon an urgent mentioning before the Registrar (Listing).
5. Vide the present petition, the petitioners - who are NRIs residing in the United Kingdom (UK) for the last many years, have assailed the Look-Out Circular (the date whereof is unknown to the petitioners) purportedly issued by respondent no.1 on the basis of a request made by respondent

no.2.

6. Learned counsel for the petitioner submits that upon their arrival, the petitioners have learnt that the said Look-Out Circular has been issued in relation to FIR No. 685/2016, registered way back on 18.11.2016 with P.S. Punjabi Bagh, New Delhi, under Sections 406/420/120B of the IPC, whereunder the petitioners have been arrayed as accused nos. 1 and 2 respectively. He submits that the primary reason for the registration of the said FIR was a complaint made by one Mr. Rajesh Sabhrawal - who had entered into an Agreement to Sell with M/s. Rajasavi Estate & Developers Pvt. Ltd. & Ors; the terms whereof, the Developers failed to abide by. He states that the petitioners had also initially entered into a Collaboration Agreement with the said Developers, which agreement, however, fell through on account of violations of the terms thereof by the said Developers and therefore, once the Collaboration Agreement already stood cancelled, the petitioners could not be faulted for the Agreement to Sell entered into between Mr. Rajesh Sabhrawal and M/s. Rajasavi Estate & Developers Pvt. Ltd. & Ors not fructifying. Consequently, Mr. Rajesh Sabharwal filed a recovery suit against the said Developers, which came to be decreed against them; in which suit, no claim whatsoever was raised against the petitioners herein.

7. Mr. Lokur submits that despite this admitted position, the petitioners have been fully cooperating with the investigation which was initiated in relation to the aforesaid FIR, and have, on all occasions, provided full and complete information to the Investigating Officer (IO). In support of his contention, he draws my attention to the correspondence addressed to the concerned IO, which has been annexed with the petition as Annexure P-4

(colly). He, thus, contends that under these circumstances, there was absolutely no justification for issuance of any Look-Out Circular against the petitioners - who are senior citizens and have been detained at the Indira Gandhi International Airport upon their arrival today since 10:00 AM.

8. Despite service of advance notice, none appears on behalf of respondents. Upon the petitioner taking steps, notice be issued to the respondents, returnable on the next date. Counter affidavit, if any, be filed within three weeks. Rejoinder thereto, be filed within one week thereafter.

9. Till the next date, subject to the petitioner filing an affidavit before this Court not to leave the country without prior leave of this Court, it is directed that no coercive steps be taken against the petitioners on the basis of the subject Look-Out Circular. Consequently, the respondent and all other authorities at the Airport are directed to forthwith permit the petitioners to leave the Airport, if detained in pursuance of the impugned Look-Out Circular.

10. All concerned authorities shall act in compliance with the digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, which shall be treated as the certified copy of the order for the purpose of ensuring compliance. No physical copy of orders shall be insisted by any authority/entity or litigant.

11. List on 08.10.2021.

REKHA PALLI, J

AUGUST 23, 2021

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