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

+ W.P.(C) 8048/2022 & CM APPL. 24443/2022

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..... Petitioner

Through: Mr. Vijay Aggarwal, Mr. Nagesh Behl, Ms. Barkha, Mr. Ambrish Dhawan, Mr. Mukul Malik, Mr. Shekhar Pathak and Mr. Ayush Gaur, Advocates.

versus

DEPUTY DIRECTOR OF INCOME TAX (INV), UNIT-4(3), &

ORS.

..... Respondents

Through: Mr. Udit Sharma Advocate for Ms. Vibhooti Malhotra, Sr. Standing Counsel for Revenue.
Mr. Anurag Ahluwalia, CGSC with Mr. Danish Faraz Khan, Advocate for R-4/UOI.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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26.07.2022

Learned counsel for the Petitioner in the present proceedings confines his prayer to quashing of the Lookout Circular issued against the Petitioner by Respondent No.1.

The Respondent no.1 in its counter affidavit has averred as under:-

“20 ... Furthermore, the prosecution complaint has already been filed and Ld. ACMM, Tis Hazari Court, Delhi has already summoned the petitioner to appear before the Hon’ble Court. Considering the same, the Petitioner may now approach the Ld. Trial Court with regards to bail and travel conditions of the Petitioner .

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43. That, the contents of Ground B6 are denied. It is again reiterated that, the prosecution has filed a complaint before Ld. ACMM and on the said complaint Ld. ACMM has taken the cognizance. Therefore, the Petitioner can approach the Ld. Trial Court and the Ld. Court can decide on the aspect of foreign travel of the Petitioner.”

Keeping in view the aforesaid averments as well as the law laid down by this Court in ***Sumer Singh Salkan vs. Assistant Director & Ors. reported in ILR (2010) VI Delhi 706***, learned counsel for the Petitioner states that he would approach the Trial Court for cancellation of the Lookout Circular as well as for permission to travel abroad.

We, accordingly, grant liberty to the Petitioner-applicant to approach the Trial Court, which Court shall consider the application for cancellation of Lookout Circular as well as for permission to travel abroad in accordance with law.

In the event such an application is filed before the Trial Court within a week, the same shall be disposed of as expeditiously as possible, preferably, within four weeks.

This Court clarifies that it has not commented on the merits of the controversy. The rights and contentions of all the parties are left open.

With the aforesaid liberty and clarification, the present writ petition along with application stands disposed of.

MANMOHAN, J

MANMEET PRITAM SINGH ARORA, J

JULY 26, 2022/msh