



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.16257 of 2026
Date of Decision: 25.9.2026

Aditya Kaushik
.....Petitioner
Versus
State of Himachal Pradesh and Ors.
.....Respondents

Coram
Hon’ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting? Yes.

For the Petitioner: Mr. Imran Khan, Advocate.
For the Respondents: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General and Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for respondents No. 1 to 3.
Mr. Bharat Bhushan, Senior Panel Counsel, for respondents No.4 & 5.

Sandeep Sharma, J. *(Oral)*
By way of the instant petition, petitioner has prayed for following reliefs:

- “I. Issue a Writ of Mandamus or any other appropriate writ, order, or direction, quashing and setting aside Look Out Circular issued against petitioner.
- II. Issue a Writ of Mandamus or any other appropriate writ, order, or direction, to curtail, suspend, or temporarily lift the Look Out Circular (LOC) operating against the petitioner in connection with FIR No. 79 of 2025 dated 15-07-2025 registered at Police Station Kandaghat, District Solan, H.P., so as to allow him to pass through international immigration authorities without let or hindrance.

III. Direct the respondents to produce before this Hon'ble Court the original LOC, the request/proposal submitted by the Originating Agency, the reasons recorded for issuance of the LOC, the approval/order of the competent authority and all connected documents;

IV. Issue a writ of mandamus directing Respondent No. 5/Bureau of Immigration to delete/withdraw the name of the petitioner from the LOC database and to communicate such deletion to all concerned immigration authorities.”

2. Precisely, the grouse of the petitioners as has been highlighted in the petition and further canvassed by Mr.Imran Khan, learned counsel for the petitioner is that for no justifiable reasons, Look Out Circular (LOC) has been issued against the petitioner, as a result of which, petitioner, who is a British citizen, is unable to visit his family residing in the United Kingdom.

3. Briefly, stated facts of the case, as emerge from the record, are that FIR No. 77 of 2025 dated 8.07.2025 under Section 318(4) of Bharatiya Nyaya Sanhita, 2023 was registered at Police Station Kandaghat on the complaint of Mr. Aditya Kumar Kaushik, proprietor, M/s Aditya Resorts, alleging therein that an application purportedly submitted to the District Tourism Development Officer, Solan on 27.05.2024 in the name of M/s Aditya Resorts contained his name and forged signature and was submitted without his knowledge, to the concerned authority. Complainant alleged that he was in the United Kingdom during the relevant period and requested investigation

into the alleged forgery, impersonation and use of forged documents, including forensic examination of disputed signature.

4. After lodging of the aforesaid FIR, another FIR No. 79 of 2025 dated 15.07.2025 under Section 420 of the Indian Penal Code, was registered at Police Station Kandaghat on the complaint of Mr. Harsimran Singh Walia, Director of M/s Silvanus Hospitality Private Limited against the present petitioner-Mr. Aditya Kaushik, alleging therein that an agreement to sell dated 10.11.2022 was entered into in respect of the resort and adjoining land measuring approximately 6 bighas 13 biswas along with another adjoining parcel measuring approximately 9 bighas 15 biswas. Afore complainant alleged that on the basis of representation made by petitioner herein, regarding viability and transferability of adjoining land, substantial amounts were paid to him by M/s Silvanus Hospitality Private Limited through banking channels as well as in cash. During investigation of FIR No. 79 of 2025, complainant in afore FIR further alleged that despite repeated requests, the transaction was not completed and upon contacting the original owner of the adjoining land, it came to know that the agreement to sell executed between Mr. Paramjit Singh and present petitioner in respect of the said land had already expired in the year 2012. In the aforesaid background, allegations

regarding representation made, receipt of money, status of agreement to sell and the role of persons connected with the transaction are under investigation.

5. There are two cross FIRs arising out of interconnected transactions and dispute between the parties and documents and circumstances relevant to both cases are interrelated. Since investigation involves examination and verification of relevant agreements, applications submitted to the Tourism Department, financial transactions and payment records, documents relating to adjoining land, correspondence/ communication between the parties and the role of persons connected with the transaction, police issued a Look Out Circular (LOC) on 18.07.2025 in accordance with prescribed procedure so as to ensure availability of the present petitioner, who is stated to be a British citizen for the purpose of investigation and to prevent any impediment in the investigation on account of his leaving the country. In the aforesaid background, petitioner, who is complainant in FIR No. 77 of 2025 and accused in FIR No. 79 of 2025 has approached this Court in the instant proceedings, praying therein to quash and set aside aforesaid Look Out Circular, as a result of which, he is unable to visit the United Kingdom to meet his family.

6. Pursuant to order dated 17.09.2026, Mr. Rajan Kahol, learned Additional Advocate General has placed on record instructions dated

23.09.2026 issued under the signatures of the Superintendent of Police, Solan, District Solan, wherein facts, as have been noticed hereinabove, have not been disputed, rather stand admitted. An attempt has been made to refute the claim of the petitioner on the ground that in view of the nature and seriousness of the allegations, substantial amounts being involved, the fact that petitioner is stated to be a British citizen and had previously remained outside India for a considerable period as also apprehension expressed during the investigation regarding his future availability for the purpose of investigation, the matter was placed before the then Superintendent of Police, Solan for appropriate consideration, who after considering the circumstances directed the Station House Officer/Investigating Officer to take appropriate steps for issuance of a Look Out Circular (LOC) in accordance with the prescribed procedure so as to ensure availability of the petitioner for the purpose of investigation and to prevent any impediment in the investigation on account of his leaving the country.

7. Government of India, Ministry of Home Affairs (Foreigners Division) issued an office memorandum on 22.02.2021, circulating guidelines for issuance of LOC in respect of the Indian citizen as also the Foreigners. Paras 3 and 4 thereof are based upon a decision rendered in *Summer Singh Salkan Vs. Assistant Director & Ors.* in W.P. (Crl.) No. 1315/2008 decided by

Hon'ble High Court of Delhi along with connected matters on 11.08.2010.

Relevant paras are being reproduced hereinafter:

“3. In a related judgment delivered on 11.08.2010 by the Hon'ble High Court of Delhi in W.P. (Crl.) No. 1315/2008-Summer Singh Salkan Vs. Asstt. Director & Ors and Crl. Ref.1/2006-Court on its Own Motion Re: State Vs. Gurnek Singh etc., the Court has answered four questions raised by a lower court on the LOC. These questions framed by the Court were as follows:

- (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 before opening a Look-out-Circular?
- (c) What is the remedy available to the person against whom such Look-out Circular has been opened?
- (d) What is the role of the concerned Court when such a case is brought before it and under what circumstances the subordinate courts can intervene?

4. The Hon'ble High Court in its aforesaid judgment dated 11.08.2010 answered these questions, which are reproduced below, for guidance of all concerned agencies:

- (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 Non Bailable Warrant (NBW) 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 and 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 before I.O. or should surrender before 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."

8. In terms of aforesaid memorandum, recourse to LOC can be taken by the investigating agency in cognizable offences under the Indian Penal Code or other penal laws, where the accused is deliberately evading arrest or not appearing in the trial court despite Non Bailable Warrants (NBW) and other coercive measures and there is likelihood of the accused leaving the country to evade trial/arrest. There are certain provisions in the aforesaid office memorandum, enabling issuance of LOC on the direction of any Criminal Court in India and also in some exceptional cases. In the instant case, no exceptional circumstances exist for issuance of the LOC against the petitioner. There is nothing to suggest that petitioner herein, who admittedly is a British

Resident, ever attempted to evade his arrest or despite issuance of coercive measures/nonailable warrants, had failed to appear before the Trial Court/investigation agency.

9. It is also not the case of the respondents that the petitioner had obtained any bail in the said FIR from the learned trial Court, wherein any condition had been imposed directing him to deposit his passport or not to leave India without the permission of the learned trial Court.

10. Moreover, careful perusal of FIR Nos. 77 and 79 of 2025 reveals that dispute inter se the parties is with regard to sale and purchase of property. By way of initiating criminal proceedings, an attempt has been made by the parties to create pressure upon each other to do the needful in terms of the agreement to sell and purchase. This Court is convinced and satisfied that though the dispute inter se the parties is purely civil in nature, but an attempt has been made to give criminal colour to it.

11. Be that as it may, once it is not in dispute that petitioner, who is a British resident, has properties at Panchkula, Haryana and Kandaghat, District Solan, Himachal Pradesh, coupled with the fact that dispute inter se the parties is also with regard to property situate in Kandaghat, i.e. Aditya Resorts, it is too premature to conclude that he may flee from justice. Once there is nothing on record to suggest that in the past, he has evaded the

investigation coupled with the fact that instructions placed on record by the Superintendent of Police itself suggests that LOC has been issued merely on the basis of apprehension, prayer made on behalf of the petitioner deserves to be allowed.

12. Moreover, the petitioner is not facing charges relating to the sovereignty, security or integrity of the country, hence the LOC, in the given circumstances, has to be held to have been issued in haste and in the absence of conditions warranting issuance of such an LOC.

13. For the foregoing reasons, this petition is allowed and Look Out Circular issued against the petitioner in relation to FIR No. 79 of 2025 registered at Police Station Kandaghat is quashed and set aside. However, this order shall be subject to the following conditions:

- a) Petitioner shall furnish Fixed Deposit Receipt (FDR) in the sum of Rs.10.00 Lakh before the concerned learned trial Court within a period of one week.
- b) Petitioner shall also furnish two local sureties in the sum of Rs. 2.00 Lakh each to the satisfaction of the learned trial Court.
- c) Petitioner shall not tamper with the evidence or influence the witnesses in any manner whatsoever.
- d) Petitioner shall join the investigation as and when called upon to do so by the investigating agency
- e) Petitioner shall join the proceedings of the learned trial Court, unless exempted in accordance with law.

- f) Petitioner shall furnish an undertaking to the aforesaid effect before the learned trial Court within the aforesaid period of one week.
- g) Petitioner shall also furnish his UK address, contact number and email ID before the learned trial Court.

14. Upon petitioner's complying with the above conditions and to the satisfaction of the learned trial Court, he shall be at liberty to travel abroad.

15. Learned Additional Advocate General undertakes to apprise the concerned quarters about passing of this order for compliance and further necessary action. The instant petition is disposed of in above terms. Pending application(s), if any, also stand disposed of accordingly.

September 25, 2026

(manjit)

**(Sandeep Sharma),
Judge**