

W.P. (CrI.) No.597 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

W.P. (CrI.) No.597 of 2025

Moosa Shariq Sina Abul Kasim

... Petitioner

Vs.

1. The Deputy Director
Directorate of Enforcement
Chennai Zonal Office
No.2, 5th and 6th Floor
BSNL Administrative Building
Kushkumar Road
Nungambakkam, Chennai - 600 034

2. The Assistant Director
Directorate of Enforcement
Chennai Zonal Office
No.2, 5th and 6th Floor
BSNL Administrative Building
Kushkumar Road
Nungambakkam, Chennai - 600 034

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the second respondent to forthwith withdraw the Lookout Circular issued in File No.T-3/88/CEZO/C/2015 on the file of the second respondent.

For Petitioner : Mr.Vaibhav R.Venkatesh
for Mr.S.Ravi

For Respondents : Mr.N.Ramesh
Special Public Prosecutor (EO)



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ORDER

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This Writ Petition has been filed to direct the second respondent to forthwith withdraw the Lookout Circular issued in File No.T-3/88/CEZO/C/2015 on the file of the second respondent.

2. The case of the petitioner is that the petitioner was carrying out a small-time trading business of buying and selling of goods from Dubai, Hongkong and India. He had been earning his livelihood this way for more than 10 years to provide for his family. On 2013, the petitioner was offered a consideration of \$3000 (Hongkong Dollars) by one Mr. Hossain, who was living across the hall in the Mansion called Chungking Mansion, for a favour of signing some unknown documents. He accepted the consideration and carried out to sign the given papers which he could not read as it was in Mandarin and in English. On 04.02.2022, when the petitioner came back to India from Dubai, he was detained at Chennai International Airport by the Immigration Authorities showing the Lookout Circular issued against him by the respondents. He was asked by the Authorities to appear before the second Respondent's Office. On summons, he appeared before the second respondent office on 27.12.2023 and explained clearly that he had no connection with the alleged transaction by M/S.Raju Trading Corporation.



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On the impression that the impugned Lookout Circular generally exists for

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3. The respondents filed a counter affidavit. The relevant portions in the counter affidavit are extracted hereunder:

2.8 As mentioned above, M/s Aigner Limited, Hong Kong, and its beneficial owner Shri. Moosa Shariq Sina Abul Kasim has received the foreign exchange and has not supplied the goods in lieu of foreign exchange and neither returned the foreign exchange so received by



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them in the guise of advance import remittance. Thus, the Petitioner herein has contravened the provisions of FEMA, 1999, and made himself liable for penalty under Section 13 FEMA, 1999, relevant regulations framed there under and the directions issued by RBI.

3. ..

3.1...

3.2...

In the above case, the Petitioner is part of the nexus that siphoned off USD 1,65,06,789 of Foreign Exchange from India in the guise of import advances, whereas the import did not happen and the Petitioner did not reveal the exact nature of the said transaction during the investigation. Further it is submitted that the Respondent Department while opening the LOC, the consolidated guidelines for issuance of LOC, rendered by the Government of India, Ministry of Home Affairs were fully complied. Therefore, considering the above facts and circumstances of the present case, it is submitted that the Look Out Circular opened against Shri Moosa Shariq Sina Abdul Kasim is perfectly founded and justified in the interest of ongoing investigation undertaken by the Respondents. Furthermore, considering the



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pending investigation against the Petitioner as discussed above, the prayer made by the Petitioner to withdraw the Look Out Circular is strongly objected as there is a stout apprehension that the Petitioner may never join the investigation and would not make himself available to the Respondent by taking advantage of the same.

4. According to the petitioner, similarly placed accused had filed a Writ Petition before this Court in W.P.No.22098 of 2023 for the very same relief and this Court by order dated 13.09.2023, allowed the said petition subject to condition of giving an affidavit of undertaking to appear for enquiry as and when required by the second respondent. The same has not been denied by the learned Special Public Prosecutor (EO) appearing for the respondents.

5. The learned counsel for the petitioner further submitted that the petitioner is ready and willing to co-operate for the enquiry conducted by the second respondent and he will also be present as and when he is summoned during the proceedings.

6. Considering the above facts and circumstances and also the undertaking given by the petitioner, this Court is inclined to issue



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appropriate directions to the respondents to keep the Lookout Circular in abeyance which will ensure the free movement of the petitioner from India to other foreign countries. If ultimately the petitioner goes against the undertaking or does not co-operate for the enquiry, the Lookout Circular can once again be renewed or can be issued afresh against the petitioner.

7. Accordingly, there shall be a direction to the petitioner to go over to the office of the second respondent and give an affidavit of undertaking before the second respondent that he will attend the enquiry or appear during the proceedings as and when required by the second respondent.

8. On such undertaking being given by the petitioner, the second respondent shall take steps to keep the Lookout Circular in abeyance to ensure the free movement of the petitioner from and to India.

9. With the above directions, this Writ Petition (Criminal) stands allowed.

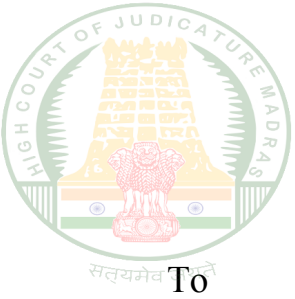
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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No



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High Court of Madras.



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