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

+ CRL.M.C. 1027/2020 & CrI.M.A. 4124/2020

DR. SUDHIR KUMAR THAKUR Petitioner
Through Mr. Yudhvir Singh Chauhan, Adv.
with Mr. V. Govinda Ramanan &
Mr. Vishal Dabas, Adv.

versus

STATE Respondent
Through Mr. Izhar Ahmad, APP for State.
SI Sanjay Kr. Gupta, SP Subhash
Place.

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER
% **25.02.2020**

Present petition is filed under section 482 Cr.P.C. for quashing and setting aside impugned order dated 17.01.2020 passed by learned Link MM, North-West, Rohini Courts, New Delhi in ***State vs. Priya Ranjan and Sudhir Kumar Thakur*** in pursuance to FIR No.598/2015 registered at Police Station Subhash Place for the offences punishable under section 420/406/120-B IPC, whereby petitioner has been declared Proclaimed Offender.

Case of petitioner is that on 17.01.2020, Sanjay Gupta, Sub-Inspector, Delhi Police and IO of the case contacted petitioner on Whatsapp@11:42 am and directed him to join investigation, inter alia, further informing him that he is one of the accused persons in the case and is also director of accused company.

Counsel for petitioner further submits that immediately @ 11:42 am, petitioner responded back to the aforesaid SI on Whatsapp, inter alia, informing him about his willingness to cooperate with him (IO) in investigation as soon as he returns to Delhi which was duly acknowledged and accepted by IO. However, petitioner subsequently came to know from his advocate that he has been declared Proclaimed Offender vide impugned order dated 17.01.2020.

Learned APP appearing on behalf of the State, on instructions from SI Sanjay Gupta, has fairly conceded that after 17.01.2020, IO never asked petitioner to join investigation.

In view of above facts and circumstances, it is clear that order dated 17.01.2020 was passed due to some communication gap and under presumption that petitioner is evading authorities not to join investigation.

Accordingly, impugned order dated 17.01.2020 is hereby set aside.

The petition is, accordingly, allowed and disposed of.

Order *dasti* under signatures of the Court Master.

SURESH KUMAR KAIT, J

FEBRUARY 25, 2020

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