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

+ CRL.M.C. 299/2020 & CRL.M.A. 1273/2020

ROBERT SURIPetitioner

Through: Mr. Madhav Khurana,
Senior Advocate with Mr.
Ashok, Ms. Deepa Raghav
and Mr. Amit Badsera and
Ms. Kashvi Bansal,
Advocates.

versus

STATERespondent

Through: Mr. Sunil Kumar Gautam,
APP for the State with SI
Mahipal Singh, PS Special
Cell/NDR.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **29.05.2025**

1. The present petition is filed seeking quashing of FIR No. 189/2001 dated 25.08.2001, registered at Police Station Tughlaq Road, Delhi for the offences under Sections 21/27/61/85 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 ('NDPS').

2. The learned senior counsel for the petitioner submits that he confines the present petition to prayer **b)** i.e., seeking quashing of order dated 15.01.2002 passed by the learned Additional Sessions Judge, New Delhi, pursuant to which he was declared proclaimed person under Section 82 of the Code of Criminal Procedure, 1973 ('CrPC').

3. The learned senior counsel for the petitioner submits that



the petitioner is a permanent resident of United Kingdom and therefore, concededly, no NBWs were ever served on him. He submits that in such circumstances no final order could have been passed by the learned Trial Court.

4. He submits that since the petitioner was a permanent resident of United Kingdom, the NBWs were allegedly served at the petitioner's mother resident at Gurugram. He further submits that the petitioner is ready and willing to join and co-operate with the investigation.

5. The learned senior counsel further submits that the present FIR, in which the impugned order was passed, relates back to an incident which took place more than two decades back. He submits that the petitioner has no role and was unnecessarily sought to be investigated.

6. He submits that the petitioner being permanent resident of United Kingdom could not travel on earlier occasion. However, since his mother is keeping unwell, he wants to visit her and also join investigation. He, however, apprehends that coercive steps might be taken by the respondent.

7. The learned APP for the State, on instructions, states that no coercive measure are proposed against the petitioner at this stage, subject to him joining and co-operating in the investigation.

8. In view of the above, the impugned order dated 25.08.2001 is set aside.

9. The learned senior counsel for the petitioner submits that the petitioner apprehends that a look out circular ('LOC') has been issued in regard to the petitioner's visit to India. He



however, seeks liberty to file an appropriate petition seeking quashing of the LOC since the order dated 15.01.2002 has already been set aside.

10. The learned APP for the State submits that the appropriate notice shall be issued to the petitioner giving adequate time for him to appear and join the investigation.

11. The present petition is allowed in the aforesaid terms. The petitioner is at liberty to file an appropriate petition seeking suspension/quashing of LOC, if any, and also seeking quashing of the proceedings at an appropriate stage.

AMIT MAHAJAN, J

MAY 29, 2025

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