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

+ CRL.M.C. 1595/2026, CRL.M.A. 6448/2026

AJAY MOHAN KAPUR

.....Petitioner

Through: Mr. R.P. Luthra, Mr. Himanshu Lutra, Mr. Sourabh Luthra, Mr. Akshay K. Goswami, Mr. Ravinder Singh, Mr. Vikash Singh, Advocates.

Versus

STATE (GOVT NCT OF DELHI)

.....Respondent

Through: Mr. Raghuinder Verma, APP for the State with Mr. Aditya Vikram Singh, Advocate
SI Pardeep Kumar, PS-Rajouri Garden and SI Deepak Kumar, PS-Lajpat Nagar.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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26.02.2026

1. By virtue of the present petition under *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (***BNSS***), the petitioner seeks setting aside of the order dated 19.07.2022, passed by the learned ASJ-03, West Delhi, Tis Harari Courts (***learned Trial Court***), whereby the petitioner was declared a Proclaimed Offender (***PO***).
2. Though learned counsel for the petitioner has been heard at considerable length, however, no response *qua* the maintainability of the present petition has come forth in view of what is unfolding hereinbelow.
3. This Court permitted the petitioner to go abroad *vide* order dated



13.08.2010 passed by this Court in W.P.(CRL.) Nos.1189/2010 and 1191/2010, in the following terms:-

“The petitioner is permitted to go abroad but he will file an undertaking in this Court that he shall remain present as and when directed by this Court or any other forum/court. The petitioner shall ensure that he is present at the time of second motion. Passport of the petitioner will be released. However, before releasing the passport, the investigating officer will ensure that the petitioner has deposited the demand draft of Rs. 35 lacs along with the original passport of the minor child in the Registry.”

4. Thereafter, the petitioner was declared a PO on 19.07.2022 by the learned Trial Court recording as under:-

“... ..Accused Ajay Mohan Kapoor is deliberately avoiding to appear before the Court despite execution of NBW and process under Section 82 Cr.PC. Accordingly, accused Ajay Mohan Kapoor is declared proclaimed offender.”

5. In the *interregnum*, the learned Trial Court vide order dated 03.01.2023 recorded as under:-

“Since, accused Ajay Mohan Kapoor has already been declared a proclaimed offender vide order dated 19.07.2022 and no order of stay of proceedings is available on court record or produced by Ld. Counsel for the accused, the matter is being proceeded further for recording of evidence u/s 299 CrPC.”

6. Interestingly, thereafter this Court in CONT.CAS(C) 401/2011, whence the same was listed along with other connected petitions, passed an order on 16.12.2025, specifically recording as under:-

“7. Considering that the parties have been litigating for last more than one decade and at some stage have also entered into a settlement and also considering that the interest of the child is also to be addressed, the parties are directed to



remain present before this Court on the next date of hearing.”

7. Subsequently, CONT.CAS(C) 401/2011 was again listed on 02.02.2026 along with other connected petitions, when this Court passed the following order:-

“2. Today, though the respondent is present in person physically, however, learned counsel for the petitioner/ Mr. Ajay Mohan Kapoor seeks one more opportunity for complying with his statement given on the last date of hearing, and time for the petitioner to remain present before this Court on the next date of hearing.

3. As such, renotify on 02.03.2026, when the petitioner shall remain present in person in compliance of the earlier order of this Court, of which no modification has been sought till now.”

8. Clearly, by way of this highly belated petition, the petitioner is trying to not only take undue benefit of the aforesaid orders, but also specifically trying to circumvent the orders dated 16.12.2025 and 02.02.2026 passed by this Court in CONT.CAS(C) 401/2011 as also other connected petitions.

9. Since the challenge to the order dated 17.07.2022 is being made after almost *five years*, despite the pending proceedings and the repeated undisputed statements made for and on behalf of the petitioner, the present petition is *per se* not maintainable either legally or factually and the same is liable to be dismissed with exemplary costs.

10. Even after the observations made herein above, learned counsel for the petitioner has addressed further arguments without responding to the reason(s) for considerable delay in filing the present petition. He, at this stage, circumventing the query of this Court *qua* the maintainability of the



present petition, seeks adjournment for the present petition to be taken up along with CONT.CAS(C) 401/2011 and other connected petitions stated to be listed on 02.03.2026.

11. As requested, renotify on 02.03.2026, *albeit*, subject to payment of costs of Rs.30,000/- (*Rupees Thirty Thousand Only*) to the Delhi High Court Staff Welfare Fund [A/C 15530110074442; IFSC UCBA0001553] within a period of *two weeks*.

SAURABH BANERJEE, J.

FEBRUARY 26, 2026/NA