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

+ **W.P.(CRL) 285/2026**

MR. JOGINDER SINGH NIJJAR & ANR.Petitioners

Through: Ms. Rebecca M. John, Sr. Advocate
with Advocates (appearance not
given)

versus

STATE (NCT OF DELHI) & ANR.Respondents

Through: Ms. Chavi Lazarus for Mr. Amol
Sinha, ASC (Criminal).

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **28.01.2026**

W.P.(CRL) 285/2026 & CRL.M.A. 2783/2026 (stay)

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners, who are ordinarily residents of the United Kingdom, *inter-alia* seek quashing of case FIR No.954/2014 dated 11.12.2014 registered under sections 120B/406/420 of the Indian Penal Code, 1860 at P.S.: Karol Bagh, New Delhi. The petitioners also seek setting-aside of Proclamation Order dated 04.06.2018; and recall of an Interpol Notice issued against petitioner No.1 pursuant to the registration of the subject FIR. The petitioners further seek restraint against any further action pursuant to the Proclamation Order and the Red Corner Notice, including arrest and extradition proceedings against the petitioners.



2. Ms. Rebecca M. John, learned senior counsel appearing for the petitioners has taken the court through the records of the matter.
3. The essence of the submission made by learned senior counsel is that the petitioners, in particular petitioner No.1, had facilitated investment of monies by respondent No. 2 (complainant) in a project, as part of which a mall was to be constructed by one M/s Omaxe Ltd. in Amritsar, Punjab.
4. Learned senior counsel submits, that petitioners Nos. 1 and 2 were themselves investors in the same project; however the project failed due to lack of clearance from the Archaeological Survey of India, which gave rise to a money claim by the concerned parties, including the petitioners.
5. Ms. John argues, that respondent No.2 was also one of the persons whose money was invested in the project, with the assistance of petitioner No.1. Senior counsel submits however, that as the records, in particular the statements of the accounts of the petitioners, would show, the money received by the petitioners from the complainant were duly transferred by the petitioners to the building construction agency viz., M/s Omaxe Ltd.; consequent whereupon, the requisite allotment letter was also issued by Omaxe allotting certain units in the project to the petitioners.
6. Additionally, it is argued, that if any doubt was to remain as regards their intention, the petitioners also undertook requisite paperwork to add the names of the other investors, including respondent No.2 in the allotment letter relating to the project.



7. It is submitted however, that since the project failed, the petitioners invoked arbitration, which culminated in the passing of an arbitral award dated 20.03.2020 allowing petitioner No.1 and his brother's claim, which award has attained finality with the dismissal of the objections filed by the award-debtor under sections 34 of the Arbitration & Conciliation Act, 1996.
8. Ms. John submits, that the arbitral award also records the fact that the project had failed.
9. It is pointed-out however, that instead of invoking the remedies for claiming the money invested in the project, the complainant instead chose to give the colour of criminality to the transactions, which led to the registration of the subject FIR.
10. Ms. John further submits, that though the Investigating Officer was fully aware of the fact that the petitioners are ordinarily residents of the United Kingdom, and even though he had complete addresses of the petitioners on his record, the I.O. 'attempted' to serve summons upon the petitioners at various other address, including at their native village in Punjab, as well as through electronic mail, which was meaningless and wholly uncalled-for.
11. It is submitted that though the summons issued were never served upon the petitioners, matters went forward and the petitioners have since been declared 'proclaimed offenders', even though under section 82(4) of the Code of Criminal Procedure 1973 a person cannot be declared 'proclaimed offender' for the offences that have been alleged against the petitioners; and, at worst, a person can only be declared a 'proclaimed person' for such offences.



12. Ms. John draws attention to order dated 28.03.2024 passed by a Co-ordinate Bench of this court in CRL.M.C. No. 4934/2023; and to certain orders dated 13.05.2025 and 18.11.2025 made by the Supreme Court, by which, eventually the proceeds of the awards made in favour of petitioner No.1 have all been attached.
13. Upon being queried as regards the maintainability of the present petition after lapse of a long period of time, it is submitted, that all else apart, *vidé* order dated 18.11.2025 made by the Supreme Court in Miscellaneous Application No. 2113-2114/2025 in SLP (Cri.) No.2568/2025, while rejecting the petitioners' application for recalling the attachment of the arbitral awards, the Supreme Court has specifically observed as follows:

“It goes without saying that the applicants shall be at liberty to avail their remedies in accordance with law.”
14. Ms. John submits, that the present petition has come to be filed pursuant to the liberty so granted by the Supreme Court.
15. Issue notice.
16. Ms. Chavi Lazarus, learned counsel appears for Mr. Amol Sinha, learned ASC (Criminal) for the State on advance copy; accepts notice; and seeks time to file reply to the petition.
17. Upon the petitioners taking requisite steps, let notice be sent to respondent No.2, through the I.O., returnable for the next date.
18. Let status report/counter-affidavit to the petition be filed within 04 weeks; rejoinder thereto, if any, be filed within 03 weeks thereafter; with copies to the opposing counsel.
19. Re-notify on 20th April 2026.



20. In the meantime, as requested, let the petitioners place on record a copy of the chargesheet filed pursuant to investigation in the subject FIR.

ANUP JAIRAM BHAMBHANI, J

JANUARY 28, 2026

V.Rawat