



\$~28

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

+ **W.P.(CRL) 1940/2021**

**JASJIT SINGH & ANR.**

..... Petitioner

Represented by: Mr. Chetan Lokur, Advocate with  
Mr. Nitish Chaudhary, Advocate.

versus

**GOVERNMENT OF NCT OF DELHI & ANR.** ..... Respondent

Represented by: Ms. Richa Kapoor, ASC for the State  
with Ms. Shivani Sharma &  
Ms. Surabhi Katyal, Advocates  
through video conferencing & SI  
Ashwani, PS EOW.  
Mr. Fanish K. Jain, Advocate for LRs  
of R-2 through video conferencing.

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**

%

**04.10.2021**

The hearing has been conducted through Physical Mode.

CRL.M.A.15887/2021 (exemption)

1. Exemption allowed subject to just exceptions.
2. Application is disposed of.

W.P.(CRL) 1940/2021

CRL.M.A.15886/2021 (for stay)

1. By this petition the petitioners seek quashing of FIR No.685/2016, under Sections 420/406/120B IPC, registered at PS Punjabi Bagh on the complaint of respondent No.2.
2. At the outset, learned counsel for the petitioners states that respondent



No.2 and his wife passed away due to Covid and he is not aware about legal heirs of respondent No.2.

3. Mr. Fanish K. Jain, Advocate appearing on behalf of legal heirs of deceased Rajesh Sabharwal/ respondent No.2 states that he is survived by two daughters, namely, Perna Sabharwal and Kritika Sabharwal.

4. Learned counsel for the petitioner seeks leave to implead the legal heirs of the deceased respondent No.2 and file amended memo of parties in this regard.

5. Notice.

6. Ms. Richa Kapoor, learned Additional Standing Counsel for the State accepts notice.

7. Notice is also accepted by Mr. Fanish K. Jain, Advocate on behalf of legal heirs of deceased respondent No.2.

8. Reply affidavit be filed within three weeks.

9. Rejoinder affidavit in two weeks thereafter.

10. Grievance of the petitioners is that the FIR in question was lodged in the year 2016 after the petitioners entered into a Collaboration Agreement dated 28<sup>th</sup> January, 2014. He further states that in the FIR there is no allegation that the petitioners either came in contact with respondent No.2 or induced him or took any money from him. He states that the petitioners are citizens of U.K. and are residing there being senior citizens and had come to India on 23<sup>rd</sup> August, 2021 when they were detained at IGI Airport based on LOC opened against them.

11. The petitioners preferred a Writ Petition (Civil) 8911/2021 wherein immediately interim relief was granted. In the meantime, petitioners sought anticipatory bail which was also granted to them vide order dated 6<sup>th</sup>



September, 2021 by the learned Additional Sessions Judge.

12. It is contended that the investigation carried out by the EOW in the matter is not in accordance with law and a roving and fishing enquiry into the assets and the income of the petitioners are being carried out though the same is not the subject matter of the investigation. He states that the Investigating Officer is not required to take the Income Tax Returns (ITRs) of the petitioners, however, still the same are sought.

13. A detailed status report will be filed by the State under the signatures of DCP concerned also indicating whether the documents sought from the petitioners by the Investigating Officer were pursuant to the directions or the supervision of the senior officer and whether the investigation is being carried out in proper directions or not.

14. List this petition on 30<sup>th</sup> November, 2021.

15. Order be uploaded on the website of this Court.

**MUKTA GUPTA, J.**

**OCTOBER 4, 2021**

vk