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

+ LPA 287/2016, CM APPL.17019-17020/2016

ANIL DUTT SHARMA Appellant

Through: Mr. Rakesh Sachdeva, Advocate.

versus

E D M C & ORS Respondents

Through: Mr. Gaurang Kanth with Mrs. Biji Rajesh, Advocates for Resp-1/EDMC and Resp-3/SDMC.

Mr. Kapil Dutta, proxy for Mr. Ajjay Aroraa, Advocate for North DMC.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **09.05.2016**

Issue notice. Mr. Gaurang Kanth, Advocate accepts notice for Resp-1/EDMC and Resp-3/SDMC and Mr. Kapil Dutta, Advocate accepts notice for North DMC.

The appellant is aggrieved by the observations of the learned Single Judge particularly in paragraph 2-5 of the impugned order. In the said parts of the impugned order, the learned Single Judge observed that First Information Report was lodged against the appellant for using complaints by him of unauthorised constructions in various properties to extort money. On the basis of this, the

appellant's writ petition was dismissed.

Learned counsel for the appellant urges that while the Court might have been justified in otherwise denying the relief claimed in the writ petition on the merits, the observations made if allowed to stand would prejudice his defence in criminal proceedings particularly about the appellant's alleged extortion demands etc.

We have heard the counsel for the parties. Counsel for the respondents did not dispute that the appellant's defence is likely to be compromised in the pending First Information Report. In these circumstances, the impugned order so far as it casts aspersions on the appellant's conduct in paragraph 2-5 shall not be construed against him. It is open to him to urge all defences available to him in any pending proceedings and also pursue other remedies.

The appeal is partly allowed to the above extent.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

MAY 09, 2016

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