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

+ **W.P.(CRL) 2008/2016**

SANJIV KUMAR & ANR

..... Petitioner

Through: Mr. Ranjan Kumar, Advocate

versus

STATE (NATIONAL CAPITAL TERRITORY OF DELHI)

..... Respondent

Through: Mr. Sanjay Lao, ASC with SI
R.S.Pandit

Mr. Suman Kumar, Company
Secretary for R2.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

12.01.2017

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Crl.M.A. No. 650/2017

For the reasons stated in the application, the delay in filing the reply is condoned. The application stands disposed of.

W.P.(Crl.) No. 2008/2016

An additional status report has been tendered in court and is taken on record. The respondent No.2-complainant has also filed a detailed reply.

I have heard learned counsel for the petitioner, learned ASC as well as the duly authorized representative of respondent No.2-Mr. Suman Kumar.

The petitioner has preferred the present petition to seek quashing of

FIR No. 427/2013 registered under Section 403/106/420/120B/34 IPC at police station Preet Vihar, East Delhi and the order passed by the learned ACMM, East, Karkardooma Courts in CC No.881/13 dated 16.11.2013 under Section 156(3) Cr.P.C.

The petitioners are accused Nos. 1 and 2 in the said case. The submission of the petitioners is that petitioner No. 2 was appointed as a sub-broker of the complainant. The petitioner No.1 is the husband of petitioner No.2. The allegations substantially are that the other accused who were enrolled as customers/account holders so as to carry out trading of shares on the stock exchange, had rigged the price of one particular share. The allegation is that they had done so in conspiracy with the petitioners. The submission of learned counsel for the petitioner is that there is absolutely no basis for claiming that there was any conspiracy between the petitioners and the other accused persons. According to the petitioners, they have been falsely implicated in the said case since respondent No.2 is indebted to petitioner No.2 to the tune of Rs. 15 lacs in respect of the brokerage due from them to petitioner No.2.

From the status report, it appears that investigation is at the initial stage. In fact, two of the accused persons, namely, Hemant Kumar, who was allegedly the employee of the petitioners and one Mr. Vyomesh Jitendra Trivedi, are absconding. Even the other accused were evading investigation and one of them has been arrested.

Considering the aforesaid circumstances, in my view, it would be premature at this stage to consider the aspect whether or not the petitioners are involved in the alleged offence.

Accordingly, the petition is dismissed.

The petitioners were granted interim protection against arrest on the condition that they shall join the investigation as and when called for and co-operate with the investigating agency. Learned counsel for the petitioners submits that the said protection be continued for some time so that petitioners may obtain anticipatory bail. He submits that petitioners have already joined investigation.

In view of the aforesaid, the interim protection granted to the petitioners shall continue for a period of two weeks during which period they may apply for anticipatory bail before the trial court.

The petition stands disposed of.

Dasti.

VIPIN SANGHI, J

JANUARY 12, 2017

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