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

+ **W.P.(CRL) 124/2018**

ANUP GUPTA

..... Petitioner

Represented by: Mr. Dayan Krishnan, Sr.
Advocate with Mr. Sandeep
Kapur, Ms. Apoorva Pandey
and Mr. Gudipati G. Kashyap,
Advocates.

versus

STATE & ANR

..... Respondents

Represented by: Ms. Richa Kapur, ASC for
State with SI Durgadas, PS
Saket.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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15.01.2018

Crl.M.A. No. 781/2018 (Exemption)

Allowed, subject to all just exceptions.

W.P.(CRL) 124/2018 and Crl.M.A. No. 780/2018 (interim directions)

The grievance of complainant Sandeep Aggarwal in FIR No. 478/2016 under Sections 109/420/465/467/468/471/120B/34 IPC registered at PS Saket, Delhi is that he had to resign as a Director of the company because of his conviction and thereafter the management of the start up was with Radhika Ghai, Sanjay Sethi and Nupur Sethi who committed cheating and forgery.

Learned senior counsel for the petitioner submits that the petitioner is the CEO of Nexus Venture Partner and an investor of CNPL by virtue of it

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he is one of nominee Director. He further states that the investment, if any, by the petitioner's concern is in the first tranche and the allegations of the complainant, if any, relate to the third and fourth tranche of the investment.

When this court granted no coercive action against the other people to twist the arm, notice has now been given to the petitioner to appear before the Investigating Officer.

Learned Additional Standing Counsel for the State on instructions from the Investigating Officer states that the petitioner had only been summoned as a witness at this stage and until no material comes against the petitioner, the Investigating Officer does not wish to implead him as an accused. It is only in case some material comes against the petitioner, that he will be implicated as an accused.

Considering the statement of learned Additional Standing Counsel for the State, the writ petition can be disposed of at this stage itself directing the petitioner to co-operate in the investigation as and when required. However, in case the Investigating Officer feels that there is some material against the petitioner and he has to be implicated as an accused and required to be arrested, notice for a period of two weeks before arrest will be given to the petitioner.

Petition and application are disposed of. Order dasti.

MUKTA GUPTA, J.

JANUARY 15, 2018
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