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

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Judgment delivered on: 11.10.2018

+ CRL.M.C. 5052/2018 & CrI. M.A. No.33446/2018

DR. SUKHWINDER SINGH & ANR. Petitioners

versus

CENTRAL BUREAU OF INVESTIGATION..... Respondent

Advocates who appeared in this case:

For the Petitioners : Mr. Sudhir Nandrajog, Sr. Advocate with
Mr. Amarjeet Singh Bedi, Ms. Bhawani
Gupta, Ms. Karishma & Mr. Varun
Chandiok, Advocates

For the Respondents: Mr. Sanjeev Bhandari, SPP for CBI with
Mr. Prateek Kumar, Advocate

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

11.10.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners seek quashing of FIR dated 22.04.2010 and charge sheet dated 16.09.2011 arising out of RC No.2-2010-CBI-ACU-IX-ND pending before the Special Judge (PC Act) CBI Court in CC No.09 of 2017 titled 'CBI vs. Dr. Ketan Desai & Ors.' and also seeks setting aside of the impugned order dated 18.08.2018.

2. Learned senior counsel for the petitioners contends that charge was framed against the petitioners on 04.06.2012 for having allegedly committed the offence under Section 120-B IPC read with Section 7, 8, 12

& 13 (2) read with Section 13 (1) (d) of Prevention of Corruption Act.

3. Learned senior counsel for the petitioners submits that sanction was not granted to the prosecution to prosecute the sole public servant who was also charge sheeted on the same date. Learned senior counsel further submits that since the sole public servant, who was arrayed as an accused, is not being prosecuted, the charge as was framed, cannot stand.

4. Learned senior counsel, under instructions, seeks leave to withdraw the petition with liberty to approach the trial court for *inter alia* modification of the charge on the ground that the sole public servant is not being prosecuted as the sanction has not been granted for his prosecution.

5. In view of the above, the petition is dismissed as withdrawn with liberty to the petitioners, as prayed for. It is clarified that this court has neither considered nor expressed any opinion on the merits of the contentions of either of the parties.

6. The petition is disposed of in the above terms.

7. Order *dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J.

OCTOBER 11, 2018
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