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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 211/2018 & CRL.M.A. 835/2018**
RAMESH DUGAR Petitioner
Through Mr. Rupesh Kumar, Adv.

versus

ENFORCEMENT DIRECTORATE Respondent
Through Mr. Amit Mahajan, CGSC / UOI

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **03.04.2018**

Vide proceedings dated 16.01.2018, there is mention of 'respondent no. 2', which is apparently a typographical error as the Enforcement Directorate arrayed in the memo of the parties is the sole respondent and the proceedings dated 16.01.2018 qua the respondent no. 2 shall read to the effect being in relation to the sole respondent in terms of the Section 362 of the Code of Criminal Procedure, 1973.

On behalf of the respondent, it has been submitted that judgment dated 09.01.2014 of this Court in CrI. M.C. 3459/02 and CrI. M.C. 3254/02 in relation to the criminal complaint No. 705/1 of 2002 under Sections 56 of Foreign Exchange Management Act, 1973 r.w.s. 49(3), (4) of Foreign Exchange Management Act, 1999 and summoning order dated 29.05.2002 has not been assailed whereby the said petitions of co-accused seek quashing of the said criminal complaint had been allowed.

Taking into the factum that the alleged commission of the offences is
CRL.M.C. 211/2018 **page 1 of 3**

stated to be during the period 1985 to 1987 with the criminal complaint having been filed on 29.05.2002 and observations in the judgment dated 09.01.2014 of this Court in CrI. M.C. 3459/02 and CrI. M.C. 3254/02 in relation to the other accused Parag Dalmia and Mr. Sanjay Dalmia seeking quashing of the said criminal complaint No. 705/1 of 2002 which is the same criminal complaint in which the petitioner herein is indicated to have been arrayed as being the accused at serial no. 15, on a parity of reasoning in view of the observations in the verdict of the Hon'ble Apex Court in ***Abdul Rehman Antulay and Vakil Prasad Singh Vs. State of Bihar(2009) 3 SCC 355*** to the effect : -

“Where the court comes to the conclusion that the right to speedy trial of an accused has been infringed, the charges or the conviction, as the case may be, may be quashed unless the court feels that having regard to the nature of offence and other relevant circumstances, quashing of proceedings may not be in the interest of justice. In such a situation, it is open to the court to make an appropriate order as it may deem just and equitable including fixation of time-frame for conclusion of trial.”

and the observations in the judgment of this Court in CrI. M.C. 3459/02 and CrI. M.C. 3254/02 to the effect ***“Since first respondent has not been able to show any exceptional circumstances which could possibly***
CRL.M.C. 211/2018 ***page 2 of 3***

explain the callous and inordinate delay of more than 14 years in launching the prosecution” whereupon the proceedings arising out of the complaint in question were quashed, it is considered appropriate to allow the prayer made by the petitioner herein seeking quashing of the summoning order dated 29.05.2002 qua the criminal complaint No. 705/1 of 2002 in relation to the alleged commission punishable under Sections 56 of Foreign Exchange Regulation Act, 1973 r.w. Section 49(3), (4) of the Foreign Exchange Management Act, 1999 and all the consequential proceedings emanating therefrom which are accordingly quashed.

The petition is disposed of accordingly.

ANU MALHOTRA, J

APRIL 03, 2018/MK