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

Date of Decision: 5th November, 2019

+ W.P.(C) 11596/2019

VANDANA KAUSHIK Petitioner
Through: Mr. Nitin Kumar Kaushik, Adv.

versus

UNION OF INDIA & ORS Respondents
Through: Mr. Manish Mohan, CGSC for R-1
Dr. Maurya Vijay Chandra & Mr. Vikash Kumar,
Advs. for R-3

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

D.N. PATEL, Chief Justice (Oral)

1. This so-called Public Interest Litigation has been preferred with the following prayers:

“a) Issue an appropriate writ, order or direction directing the Investigating Agencies to register the appropriate criminal case against Respondents No.2-8 and investigate the total quantum of siphoning of debt funds committed by Respondent 2, 4, 5, 6, 7 and their relatives and to investigate favors extended by Respondent No.2, 4 and 5 to Respondent No.8 and PWC for which they chose to safeguard Respondent No.2 and 4 among others even upon knowing, the serious frauds and siphoning being committed by them;
b) Issue an appropriate writ, order or direction directing the Investigating Agencies to immediately take Respondent 4, 5, 6, 7 and into custody considering absolute submissions of fraud and siphoning made in present petition.

- c) Issue an appropriate writ order or direction directing the Respondents to make the officials/employees of the bank (who sanctioned the loan on the deficient documents) liable for the recovery of the loan by affecting the recovery from their properties even after their retirement;*
- d) Issue an appropriate writ order or direction directing the IBBI to quash IP registration of Respondent No.8, to direct Respondent No.8 and PWC to make refund of entire fees they received for conducting CIRP of Respondent No.2 and to hold PWC India liable for breach of trust and gross violations of professional conduct committed by them;*
- e) Issue an appropriate writ, order or direction to directing the Respondents for prosecution/or such other order against the Respondents and their relatives who connived in aforesaid financial frauds and the bank officials;*
- f) Issue an appropriate writ order or direction directing the Respondents to issue look out notice against the Respondents and their relatives and immediately impound their passports so that they may not be able to run away to foreign countries;*
- g) Issue an appropriate writ order or direction, directing the Insolvency and Bankruptcy Board of India for initiation of action against the Respondent No. 8 for not performing its duties in the best interest of all the Creditors as well as failure to protect the interest of all the creditors, as per Insolvency and Bankruptcy Code, 2016.*
- h) Petitioners anticipate risk of their life and/or well being from officials/management of Respondent No. 2 and/or Respondent No. 4, 5, 6, 7 and 8, due to aforesaid petition accordingly crave from Hon'ble Court for suitable directions for ensuring proper measures being taken to contain such risks.”*

2. Having heard the counsel for petitioner and looking to the facts and circumstances of the case, it appears that though this petition has been filed as a public interest litigation, however, it is more of a private interest litigation. This petitioner can always approach the concerned Police authorities for lodging the complaint or FIR under the Criminal Procedure

Code, 1973. Without exhausting the remedies already available in law, this type of petition cannot be preferred over here.

3. Learned counsel appearing for the petitioner submitted that had this petitioner approached the concerned Police authority, it would have taken a long time.

4. It ought to be kept in mind that the procedure established by law has to be followed by the petitioner, especially when the charge is filed/levelled by the petitioner against the respondents. Hence, the procedure as laid down by law has to be followed by the petitioner to approach the concerned court or the concerned Police authority for registration of the FIR.

5. Counsel appearing for the respondents submits that that a FIR has already been filed and pending investigation.

6. In view of the aforesaid observation and statement of counsel for the respondents, this writ petition is hereby dismissed.

CHIEF JUSTICE

C.HARI SHANKAR, J

NOVEMBER 05, 2019

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