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

+ **W.P.(CRL) 1295/2019 & CrI.M.A. 9485-9487/2019**

SURESH KUMAR PATHRELLA Petitioner

Through: Mr. R.K. Dhawan, Mr. V.K. Teng and
Ms. Richa Dhawan and Mr. Anuj
Chaturvedi, Advs.

versus

CBI Respondent

Through: Mr. Anupam S. Sharma, SPP-CBI
with Mr. Prakash Airan, Adv.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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03.05.2019

1. The prayers made by the petitioner in the present petition are as under:-

- (a) declaring the Administrative instructions, rules, notification issued by the Hon'ble High Court as ultra-vires and set aside office communication bearing No.78005/15/VIG/18 dated 14.11.2018 and the summons issued to the Petitioner for reconstructing the file in the C.C. No.71/1999 and the statement recorded on oath of the Petitioner on 28.11.2018, impugned orders dated 15.11.2018, 28.11.2018 passed in case registered as fact finding 01/2018 (manual registered), reconstruction of file bearing No.71/1999 (manual registered) and in C.C. No.532221/16 and consequently to quash the proceedings emanating therefrom qua the Petitioner.

- b. issue a writ of Certiorari or any other appropriate writ, order/s or direction/s thereby quashing the criminal proceedings arising out from RC No.6 (E)/1996/CBI/SIU/X/ND in CC No.03/14 titled as CBI Vs. S.K. Pathrella & Ors. qua petitioner;
- c. pass any other or further order/s as this Hon'ble Court may deem fit and proper in the facts and circumstances of the matter in favour of the petitioner and against the respondent in the interest of justice.

2. The petition has been placed before a Division Bench since the petitioner seeks to challenge the *vires* of administrative instructions/rules/notifications issued by the High Court. However, on perusing the file, it transpired that none of the relevant administrative instructions/rules/notifications *vires* whereof is sought to be challenged by the petitioner have been placed on record. Nor have their particulars been mentioned.

4. Learned counsel for the petitioner states on instructions that he may be permitted to withdraw the present petition while reserving the right of the petitioner to file a fresh petition after he is able to collect the relevant documents he proposes to challenge.

5. Leave as prayed for is granted. The petition is dismissed as withdrawn along with pending applications.

HIMA KOHLI, J.

VINOD GOEL, J.

MAY 03, 2019

"shailendra"/SDP