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

+ **W.P.(CRL) 2546/2018 & Crl.M.A.Nos.30894/2018 & 33367/2018**

AMIT BHARDWAJ

..... Petitioner

Represented by: Mr.Ankit Verma, Mr.Arvind Mishra
and Ms.Archana Kumari, Advocates

versus

GOVERNMENT OF NCT AND ORS.

..... Respondents

Represented by: Mr.Jamal Akhtar, Advocate for
Mr.Rahul Mehra, Standing Counsel
for State with SI Rohit Kumar, Cyber
Cell, Crime Branch, Darya Ganj
Mr.Maninder Singh, Ms.Aekta Vats,
Mr.Anuj Singh, Mr.Sankalp Kohli
and Mr.Aahil Arora, Advocates for
the Impleader
SI Rohit Kumar, Cyber Cell, Crime
Branch, Darya Ganj

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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21.01.2019

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

“(a) Direct the Respondent No.1 and Respondent No.6 to transfer all pending investigations in FIRs being 35/2018, P.S. EOW Delhi, 61/2018, P.S. Special Cell Delhi, 60/2018, PS Prashant Vihar, Delhi and 142/2018, P.S.Crime Branch, Delhi against the Petitioner within the State of Delhi particularly, to a common investigation agency, such as EOW Delhi Police or any such other agency as this Hon’ble Court may deem appropriate;

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(b) Direct the Respondent No.1 and Respondent No.6 to disclose the status of all complaints and/or FIRs which have been lodged against the Petitioner within the NCT of Delhi;

(c) Upon disclosures being made by Respondent No.1 and Respondent No.6, the said FIRs/Complaint be transferred to common investigation agency as directed in terms of prayer (a);

(d) In view of similarity of offences mentioned therein, the said investigating agency be directed to file a consolidated charge sheet for all cases covered in prayer clause (a) to (c) in order to avoid multiplicity of proceedings;

(e) Grant leave of this Hon'ble Court to amend the instant petition by adding the new police stations which to light after the disclosure is made in prayer (b);

(f) Direct that all future complaints against the Petitioner within the State of Delhi should not be registered as separate FIRs, but should be transferred to the investigating agency which this Hon'ble Court may appoint in terms of prayer (a); and pass further directions to restrain the Respondents from registering any further FIRs against the Petitioner, while at the same time permitting any fresh complainants to join any one of the existing FIRs;

(g) Pass appropriate ad interim orders in terms of the above prayers (a) to (e), and confirm the same;

(h) Pass any other order in the interests of justice;"

2. On the last date of hearing, learned counsel for the State informed that the petitioner has preferred a petition before the Hon'ble Supreme Court also with the same prayers. Copy of the Special Leave Petition filed before the

Supreme Court has been placed on record in which the prayers are:-

“(a) Issue a writ of mandamus or any other appropriate writ, order or direction thereby directing the respondents No.2 to 6 implement the Direct Selling Guidelines 2016 dated 09.09.2016 issued by the Ministry of Consumer Affairs, Food and Public Distribution, Government of India and further direct them to insert necessary amendments so as to address the situation having arisen because of the business carried out by the Petitioner through its website www.gainbitcoin.com;

(b) Issue appropriate writ, order or direction thereby directing respondents No.2 to 6 to file a status report as to the steps and action taken in pursuance to the Direct Selling Guidelines 2016 dated 09.09.2016 issued by the Ministry of Consumer Affairs, Food and Public Distribution, Government of India;

(c) Stay the proceedings emanating from FIR No.60/2018, P.S.Prashant Vihar, Delhi, FIR No.35/2018 P.S. EOW, Delhi, FIR No.61/2018, P.S.Special Cell (SB) Delhi, FIR No.142/2018 P.S. Crime Branch, Delhi; FIR No.124/2018 P.S. Central Sector-17, Chandigarh; FIR No.118/2018 P.s. Alipore, Kolkata; FIR No.181/2018 P.S. Nigdi, Pune, FIR No.20/2018, P.S. Vimantal, Nanded, Maharashtra, FIR No.28/2018 P.S. Dattawadi, Pune, FIR No.231/2018 P.S. Khadakpada, Pune, FIR No.189/2018 P.S. Matunga, Mumbai; FIR No.1167/2018 P.S. Cyber Crime, Bengaluru City, Karnataka; all other FIRs that have been filed against the Petitioners but are not within the knowledge of the Petitioner and any other FIRs that came to the knowledge of this Hon’ble Court or the Petitioner during the pendency of this writ petition, pending the hearing and final disposal of this petition;

(d) transfer all the investigations arising out of FIR No.60/2018, P.S.Prashant Vihar, Delhi, FIR No.35/2018 P.S. EOW, Delhi, FIR No.61/2018 P.S. Special Cell (SB) Delhi, FIR No.142/2018 P.S. Crime Branch, Delhi; FIR No.124/2018 P.S. Central Sector-17, Chandigarh, FIR No.118/2018 P.S. Alipore, Kolkata; FIR No.181/2018 P.S. Nigdi, Pune, FIR No.20/2018, P.S. Vimantal, Nanded, Maharashtra, FIR No.28/2018 P.s. Dattawadi, Pune, FIR No.231/2018 P.S. Khadakpada, Pune, FIR No.189/2018 P.S. Matunga, Mumbai; FI RNo.1167/2018 P.S. Cyber Crime, Bengaluru City, Karantaka; all other FIRs that have been filed against the Petitioners but are not within the knowledge of the Petitioner and any other FIRs that come to the knowledge of this Hon'ble Court or the Petitioner during the pendency of this writ petition, to any investigation agency in Delhi;

(e) Grant regular bail to the Petitioner in FIR No.60/2018, P.S.Prashant Vihar, Delhi, FIR No.35/2018 P.S. EOW, Delhi, FIR No.61/2018 P.S. Special Cell (SB) Delhi, FIR No.142/2018 P.S. Crime Branch, Delhi; FIR No.124/2018 P.S. Central Sector-17, Chandigarh, FIR No.118/2018 P.S. Alipore, Kolkata; FIR No.181/2018 P.S. Nigdi, Pune, FIR No.20/2018, P.S. Vimantal, Nanded, Maharashtra, FIR No.28/2018 P.s. Dattawadi, Pune, FIR No.231/2018 P.S. Khadakpada, Pune, FIR No.189/2018 P.S. Matunga, Mumbai; FI RNo.1167/2018 P.S. Cyber Crime, Bengaluru City, Karantaka; all other FIRs that have been filed against the Petitioners but are not within the knowledge of the Petitioner and any other FIRs that come to the knowledge of this Hon'ble Court or the Petitioner during the pendency of this writ petition, in terms of the order dated 27.03.2017 passed by this Hon'ble Court in Writ Petition (Criminal) No.31/2017 titled Vihan Direct Selling (I) Pvt. Ltd. & Ors. Vs. Union of India & Ors;

(f) Direct the respondents to disclose to this Hon'ble Court and also provide copies of all other FIRs which have been filed but copies of which have not been provided to the petitioner;

(g) Pass such other further orders which may be deemed fit and proper in furtherance of the interest of justice."

3. From a perusal of the prayers, it is evident that the petitioner seeks transfer of FIR Nos.35/2018, PS EOW, FIR No.60/2018, PS Prashant Vihar, FIR No.61/2018, PS Special Cell, FIR No.142/2018, PS Crime Branch besides other FIRs all over India to one specialized agency in the Special Leave Petition before the Hon'ble Supreme Court. The other prayers in the writ petition being incidental to the main prayer hence the present petition and the applications are dismissed for the reason the petitioner has already preferred a petition seeking same prayers before the Hon'ble Supreme Court.

MUKTA GUPTA, J.

JANUARY 21, 2019

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