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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(CRL) 3843/2018

MUKESH MODI

..... Petitioner

Through

Mr. Aditya Singla, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through

Mr. Amit Mahajan, CGSC along with
Mr. Anurag Ahluwalia, CGSC Mr.
Kartikaya Rastogi, Advocate with
Mr. Hari Kishan, prosecutor, SFIO
for respondent Nos. 1 & 2.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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15.04.2019

The present petition under Article 226 of the Constitution of India had been instituted on behalf of the petitioner, praying as follows:-

“A. Issue a writ of mandamus or any other appropriate writ/direction/order in the nature of a writ declaring that the power of Respondent No. 2 to 4 to carry out investigation under Section 212(3) Companies Act, 2013 after the expiry of the time period is illegal and unconstitutional.

B. Issue a writ of mandamus or any other appropriate writ/direction/order in the nature of a writ declaring that the investigation carried out after 19.09.2018 in File No. SFIO/INV/AOI/2018-19-AGC&L/842-966 vide Order No.07/115/2018-CL-II dated 20.06.2018 as illegal and without jurisdiction.

C. Issue a writ/direction/order declaring the arrest of the Petitioner dated 10.12.2018 at New Delhi in the office of Respondent No. 2 by Respondent No. 3, and proceedings emanating therefrom being without jurisdiction and illegal and the petitioner Mukesh Modi be released forthwith.

D. Issue a writ of Habeas Corpus directing immediate release of the Petitioner herein Sh. Mukesh Modi from the illegal arrest dated 10.12.2018 at New Delhi and consequent illegal custody from Respondent No. 2 to 4 at;

E. Pass any such other writ or order(s) as it may deem fit and proper in the interest of justice.”

Learned counsel appearing on behalf of the petitioner states that the present petition has been rendered infructuous, in view of the decision of the Hon’ble Supreme Court of India, dated 27th March, 2019, in Crl. A. Nos. 538-539/2019 (arising out of SLP (Crl.) Nos. 94-95 of 2019), titled as “*Serious Fraud Investigation Office vs. Rahul Modi and Anr. Etc*”.

The petition is accordingly disposed of as having been rendered infructuous.

SIDDHARTH MRIDUL, J

MANOJ KUMAR OHRI, J

APRIL 15, 2019
RS