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

+ **W.P.(CRL) 2758/2019**

ANUJ AGRAWAL HUF

..... Petitioner

Through: Mr Udyan Srivastava, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr Jasmeet Singh, CGSC with

Mr Saurabh Tiwari, advocate for R1,2 & 4.

Mr Kavindra Gill, Advocate for R1,R2 and R4.

Mr Rahul Mehra, Standing Counsel with

Mr Sanjay Lao, ASC alongwith Mr Karanjeet Rai
Sharma, Advocate with Inspector Sanjay

Kumar, EOW.

Mr Vivek Sibal, Ms Suman Malhotra, Ms Savita

Malhotra and Mr Yash Patel, Advocates for R-7 to
11, 14 and 15.

AND

+ **W.P.(CRL) 2760/2019**

ANUJ AGRAWAL

..... Petitioner

Through: Mr Udyan Srivastava, Advocate.

versus

UNON OF INDIA & ORS.

..... Respondents

Through: Mr Jasmeet Singh, CGSC with Mr

Saurabh Tiwari, advocate for R1,2 & 4.

Mr Kavindra Gill, Advocate for R1,R2 and R4.

Mr Rahul Mehra, Standing Counsel with

Mr Sanjay Lao, ASC alongwith Mr Karanjeet Rai
Sharma, Advocate with Inspector Sanjay

Kumar, EOW.

Mr Vivek Sibal, Ms Suman Malhotra, Ms Savita

Malhotra and Mr Yash Patel, Advocates for R-7 to
12, 14 and 15.

AND

+ **W.P.(CRL) 2761/2019**

ANKITA GUPTA

..... Petitioner

Through: Mr Udyan Srivastava, Advocate.
versus
UNION OF INDIA & ORS. Respondents
Through: Mr Jasmeet Singh, CGSC with
Mr Saurabh Tiwari, advocate for R1,2 & 4.
Mr Kavindra Gill, Advocate for R1,R2 and R4.
Mr Rahul Mehra, Standing Counsel with
Mr Sanjay Lao, ASC alongwith Mr Karanjeet Rai
Sharma, Advocate with Inspector Sanjay
Kumar, EOW.
Mr Vivek Sibal, Ms Suman Malhotra, Ms Savita
Malhotra and Mr Yash Patel, Advocates for R-7 to
12, 14 and 15.

AND

+ **W.P.(CRL) 2762/2019**

SAKSHAM AGRAWAL Petitioner
Through: Mr Udyan Srivastava, Advocate.
versus
UNION OF INDIA & ORS. Respondents
Through: Mr Jasmeet Singh, CGSC with
Mr Saurabh Tiwari, advocate for R1,2 & 4.
Mr Kavindra Gill, Advocate for R1,R2 and R4.
Mr Rahul Mehra, Standing Counsel with
Mr Sanjay Lao, ASC alongwith Mr Karanjeet Rai
Sharma, Advocate with Inspector Sanjay
Kumar, EOW.
Mr Vivek Sibal, Ms Suman Malhotra, Ms Savita
Malhotra and Mr Yash Patel, Advocates for R-7 to
12, 14 and 15.

AND

+ **W.P.(CRL) 2763/2019**

RICHA GUPTA Petitioner
Through: Mr Udyan Srivastava, Advocate.
versus
UNION OF INDIA & ORS. Respondents
Through: Mr Jasmeet Singh, CGSC with
Mr Saurabh Tiwari, advocate for R1,2 & 4.

Mr Kavindra Gill, Advocate for R1,R2 and R4.
Mr Rahul Mehra, Standing Counsel with
Mr Sanjay Lao, ASC alongwith Mr Karanjeet Rai
Sharma, Advocate with Inspector Sanjay
Kumar, EOW.
Mr Vivek Sibal, Ms Suman Malhotra, Ms Savita
Malhotra and Mr Yash Patel, Advocates for R-7
to 12, 14 and 15.

AND

+ **W.P.(CRL) 2764/2019**

ASHA AGRAWAL Petitioner

Through: Mr Udyan Srivastava, Advocate.
versus

UNION OF INDIA & ORS. Respondents

Through: Mr Jasmeet Singh, CGSC with
Mr Saurabh Tiwari, advocate for R1,2 & 4.
Mr Kavindra Gill, Advocate for R1,R2 and R4.
Mr Rahul Mehra, Standing Counsel with
Mr Sanjay Lao, ASC alongwith Mr Karanjeet Rai
Sharma, Advocate with Inspector Sanjay
Kumar, EOW.
Mr Vivek Sibal, Ms Suman Malhotra, Ms Savita
Malhotra and Mr Yash Patel, Advocates for R-7 to
12, 14 and 15.

AND

+ **W.P.(CRL) 2765/2019**

SWATI AGRAWAL Petitioner

Through: Mr Udyan Srivastava, Advocate.
versus

UNION OF INDIA & ORS. Respondents

Through: Mr Jasmeet Singh, CGSC with
Mr Saurabh Tiwari, advocate for R1,2 & 4.
Mr Kavindra Gill, Advocate for R1,R2 and R4.
Mr Rahul Mehra, Standing Counsel with
Mr Sanjay Lao, ASC alongwith Mr Karanjeet Rai
Sharma, Advocate with Inspector Sanjay
Kumar, EOW.

Mr Vivek Sibal, Ms Suman Malhotra, Ms Savita Malhotra and Mr Yash Patel, Advocates for R-7 to 12, 14 and 15.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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15.01.2020

1. These petitions contain a common set of prayers. The same are set out below:-

“a. Issue a Writ, Order or Direction in the nature of Mandamus in favour of the petitioner by directing the respondent No. 1 to 6 to take coercive and appropriate action against the respondent No. 7 to 16.

b. Issue a Writ, Order or Direction in the nature of Mandamus to the respondent No. 1 to 5 to seize and confiscate the passports of the respondent No. 7 to 16, so that they are unable to escape the clutches of law by fleeing from the Country or by taking any other necessary steps to restrain the said respondents from leaving the country.

c. Issue a Writ, Order or Direction in the nature of Mandamus in favour of the petitioner and direct the respondent No. 1 to 5 to seize and freeze the Bank Accounts of the respondent No. 7 to 16 besides attaching their assets to safe guard the money invested by the petitioner.

d. Direct the respondent No. 7 to 16, to produce before this Hon'ble Court, the details of the assets belonging to the respondents No. 7 & 8, and the personal assets of the respondents No. 9 to 16.

e. Restrain the respondent No. 7 to 16 from alienating their assets - movable or immovable during the pendency of this petition in order to safeguard the money invested by the petitioner.

f Issue appropriate Writ, Order or Direction to respondent No. 1 to 5 to issue lookout notice against the respondent No. 9 to 16, as the said respondents are not traceable despite diligent efforts of the petitioner.

g. Issue a Writ, Order or Direction in the nature of Mandamus to respondent No. 6 to place before this Court the details of all approvals, compliances, verifications, related to setting of a private educational institutions of the respondent No. 7 & 8 which are running a business of embezzlement of funds without having any registration or regulatory compliance from any regulatory authority.

h. Issue directions to the Central Bureau of Investigation (CBI) to set up a special investigation team to inquire / investigate the present matter and conduct a time bound probe into the same as there appear to be a collusion between respondent No. 7 to 16 and respondent No. 5 having regard to the fact that the respondent No. 5 is not willing to register an FIR or take any action, much less inform the Petitioner, the status of the complaint of the petitioner, against the respondent No. 7 to 16 despite the complaints given by the Petitioner and other similarly placed aggrieved persons.”

2. The petitioners have alleged that they were induced to invest their funds into various schemes by the owners of Mother's Pride (School), Branch Heads, Directors and other staff members on the promise of lucrative returns on their investments. The petitioners have approached this

Court alleging that the investigation is not being conducted in a proper manner.

3. Subsequently, directions were passed by this Court for conducting a Forensic Audit of the accounts of the concerned entities and to ascertain the extent of funds collected and the respective entities in which the funds were accounted. This court had also directed that the investigations be conducted by the DCP, EOW (Ms Varsha Sharma).

4. This Court is informed that in the meanwhile, the petitioners have entered into a settlement with M/s Mother's Pride Education Institution Private Limited. The learned counsel appearing for the said company states that the said company is the owner of the brand Mother's Pride.

5. This Court finds it difficult to understand as to how any deposit can be made in favour of or be accepted by a brand name. It is obvious that deposits would have been accepted by certain entities and would have been deposited into Bank accounts of those entities. This Court has already passed directions in other matters directing the IO to investigate the accounts in which the money, invested by the petitioners and other similar depositors, was deposited. The Investigating Officer will also investigate as to the utilization of the said funds.

6. *Prima facie*, it does appear that the various entities functioning under the overarching name of Mother's Pride have collected funds from various depositors. There is, as yet, little clarity as to the number of entities in which the funds have been deposited. However, since the necessary directions for conducting investigations have already been issued, no further orders are required to be passed in this regard.

7. The prayers made by the petitioners in the petition are in nature of directing that coercive steps be taken against respondent nos. 7 to 16. This Court does not consider it apposite to issue such directions. The concerned Investigating Officer is required to take the necessary steps for completing the investigation as early as possible. No further directions in this regard are necessary. It is further clarified that if the Investigating Officer requires a custodial interrogation of any of the persons accused, he/she is not precluded to take such coercive steps if the same are warranted for proper investigation.

8. This court is informed that the IO has already frozen some bank accounts and no further orders in this regard are required to be passed.

9. It is also necessary to observe that on one hand, the petitioners are pursuing these petitions seeking coercive steps be taken against respondent nos. 7 to 16 and on the other hand, they have already entered into settlements in regard to their claims. Plainly, the present proceedings before this court cannot be pursued to pressurise the concerned respondents for arriving at a settlement with the petitioners in preference to other depositors.

10. The petitions are, accordingly, disposed of.

VIBHU BAKHRU, J

JANUARY 15, 2020

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