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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 979/2020 & CRL.M.A. 8324/2020**

CHINTELS INDIA LIMITEDPetitioner
Through Mr. Manav Gupta, Adv.
versus

UNION OF INDIA & ANR.Respondents
Through Mr. Amit Mahajan, CGSC

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER
ORDER

% **07.08.2020**

[Court hearing convened *via* video-conferencing on account of COVID-19]

1. Though opportunities were granted on 29.06.2020 and 08.07.2020 to the respondents to file a counter-affidavit in the matter, no counter-affidavit has been filed as yet.
2. Mr. Amit Mahajan, learned CGSC, says that he has received instructions to the effect that the police continue to carry out further investigation concerning scheduled offence(s) and, therefore, there is a likelihood of a supplementary charge-sheet being filed in the matter.
 - 2.1 Mr. Mahajan says that while cognizance has been taken by the concerned Court, charges have not been framed as yet.
3. On the previous date i.e. 08.07.2020, I had restrained the respondents from taking any precipitate action against the petitioner in pursuance of the Enforcement Case Information Report i.e. ECIR/01/HIU/2019 dated 25.01.2019 [in short "subject ECIR"] solely on the ground that the charge-sheet did not advert to a scheduled offence.

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4. It is also not disputed by Mr. Mahajan that the charge-sheet adverts to the fact that the petitioner has not been found as having infringed the provisions of Section 420 of the Indian Penal Code, 1860 [in short “IPC”], which is a scheduled offence.

5. I may only indicate that Mr. Mahajan says that since the investigation is on, there is a possibility of not only the petitioner being charged under Section 420 of the IPC, but also *qua* other scheduled offence(s) as well.

6. Given the aforesaid circumstances, what is clear is that there is nothing on record before the concerned Court, which points in the direction that the petitioner has infringed a provision of the IPC, which is a scheduled offence.

7. Therefore, for the moment, the only direction that can be issued, whereby the interests of both the petitioner and the respondents are protected, is that the subject ECIR be closed with liberty to the respondents to revive the same if a supplementary charge-sheet is filed and/or a charge is frame *qua* the petitioner concerning scheduled offence(s).

7.1 It is ordered accordingly.

7.2 Needless to add, till such position obtains, the respondents cannot take any precipitate action against the petitioner in pursuance of the subject ECIR.

8. Mr. Manav Gupta, who appears for the petitioner, says that the methodology adopted by the Court will balance the concerns of both the sides.

9. The captioned writ petition is disposed of in the aforementioned terms.

RAJIV SHAKDHER, J

AUGUST 07, 2020

PMC/KK

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Click here to check corrigendum, if any

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Signature Not Verified

digitally signed by VIPIN
KUMAR RAI
signing date 08.08.2020
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