



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

**Reserved on : 03.10.2023**

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**Pronounced on : 11.12.2023**

+ **CRL.M.C. 4418/2023 & CRL.M.A. 16891/2023**

SUBHASH NAGPAL

..... Petitioner

Through: Mr. Abhik Kumar and Mr Deepak  
Girdhar, Advocates.

versus

SECURITIES AND EXCHANGE BOARD OF INDIA

..... Respondent

Through: Mr. Ashish Aggarwal and Mr. Ankit  
Dubey, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE RAJNISH BHATNAGAR**

**JUDGMENT**

**RAJNISH BHATNAGAR, J.**

1. The present petition is being filed by the petitioner under Section 482 Cr.P.C. against the order dated 03.05.2023 passed in CC no. 8612/2016.
2. By way of the present petition the petitioner has impugned the order dated 03.05.2023 passed by learned ASJ, Patiala House Court, New Delhi whereby his application under Section 203 Cr.P.C. was dismissed on the ground the petitioner is not proposed accused in complaint filed by respondent - SEBI.



3. Notice was issued in this petition on 25.07.2023 and reply was called from the respondent - SEBI.
4. During the course of the arguments and upon thorough examination of the present petition, it has come to the notice of this Court that earlier also the petitioner had approached this Court by filing an appeal being CRL.A. 394/2022, although the prayers were emerged in a different way but the relief sought was similar to the relief as sought in the present petition and the above mentioned appeal was dismissed as withdrawn vide order dated 27.03.2023 as the petitioner herein intended to take appropriate steps with regard to the alleged affidavits which have been filed subsequent to the filing of the complaint by SEBI.
5. I have perused the present petition and the order dated 29.05.2023 passed by this court in CRL.A. 394/2022 by virtue of which the same relief was claimed and the same was dismissed as withdrawn. A further perusal for the same shows that the present petition has been filed by the petitioner on the grounds which were enumerated in the previous appeal but couched differently.
6. It is pertinent to note here that nothing has been brought before this court to show that there are changes in the circumstances which emerged since the dismissal of the earlier petition that prompted him to file the present petition. One cannot lose sight of the fact that the petitioner is still not a proposed accused as submitted by the learned



counsel for the respondent, in the complaint filed by the respondent – SEBI.

7. Since nothing has changed from the dismissal of the previous petition and the present petition has been filed under the guise of seeking the similar relief which was already dealt by this court in CRL.A. 394/2022, this court is of the view that under the garb of filing the present petition the petitioner cannot be permitted to reassert or reiterate the same grounds seeking identical reliefs.

8. It is essential to uphold the principles of judicial economy and finality in legal proceedings to avoid unnecessary duplication and protraction of legal process. Therefore, in light of the foregoing, the present petition is dismissed along with pending applications, if any.

**RAJNISH BHATNAGAR, J**

**DECEMBER 11, 2023**

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