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

+ W.P.(CRL) 197/2023

KONDA VISHWESHWAR REDDYPetitioner

Through: Mr. Ashutosh Srivastava, Advocate.
versus

GOVT OF NCT DELHIRespondent

Through: Ms. Nandita Rao, ASC (Crl.) with
Mr. Amit Peswani, Advocate with IO
Vivek, PS Dabri.
Mr. Anunaya Mehta, Ms. Satya Jha
and Mr. Akash Deep Singh,
Advocates for the Respondent No. 2.

37

+ W.P.(CRL) 199/2023

T GAUTAMI REDDYPetitioner

Through: Mr. Ashutosh Srivastava, Advocate.
versus

GOVT OF NCT DELHIRespondent

Through: Ms. Nandita Rao, ASC (Crl.) with
Mr. Amit Peswani, Advocate with IO
Vivek, PS Dabri.
Mr. Anunaya Mehta, Ms. Satya Jha
and Mr. Akash Deep Singh,
Advocates for the Respondent No. 2.

38

+ W.P.(CRL) 200/2023

KONDA ANINDITH REDDYPetitioner

Through: Mr. Ashutosh Srivastava, Advocate.
versus

GOVT OF NCT DELHIRespondent

Through: Ms. Nandita Rao, ASC (Crl.) with
Mr. Amit Peswani, Advocate with IO
Vivek, PS Dabri.



Mr. Anunaya Mehta, Ms. Satya Jha
and Mr. Akash Deep Singh,
Advocates for the Respondent No. 2.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
29.08.2024

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1. The Writ Petitions under Article 226 of the Constitution of India read with Section 482 of CrPC have been filed on behalf of the petitioners for quashing of the Notice dated 09.01.2023 under Section 41-A of CrPC and quashing the FIR No. 157/2020 for the offence under Section 420/468/471 of the IPC, registered at Police Station Dabri District Dwarka.
2. It is submitted that the petitioner is the Director of the accused company and there is nothing to show that he had any concern in the commission of the offence. Moreover, there is provision for vicarious liability of a Director for the acts of the Company. Even in the Status Report, it has been stated that the Directors of Emedlife, namely, Konda Vishweshwar Reddy and other Directors as mentioned therein, were examined who stated that they came to know about this case earlier this year and do not have any information about the forgery/cancellation of Group Mediclaim Policy and the Complaint filed by Emedlife against Ms. Avantika in 2019. Ms. Gautami Reddy stated that she is not an active Director of the Company and had not participated in the affairs of the Company. All three Directors did not have any information about the original forged General Council Data Format.
3. **Submissions heard.**
4. Learned ASC for the State submits that the draft Charge Sheet is



already ready and is likely to be filed in the Court within two weeks. It is further submitted that according to these Directors, the irregularities had been committed by their employee, Ms. Avantika. However, aside from filing a complaint against her which got closed, no further action has been taken on behalf of these Directors. Moreover, the petitioner and the other Directors of the Company, are all beneficiaries of the wrongs committed for and on behalf of the Company. It is further submitted that there was Data forging done to project lesser premium for the Insurance Policies which were being issued. The petitioner, who was a Director of the Company, cannot be absolved at this stage. The quashing of the FIR is, therefore, opposed.

5. **Learned counsel for the complainant** has argued that there are specific allegations against the Directors, who in connivance with their staff committed this Act of forgery. Furthermore, the Oriental Insurance Company had informed about the irregularities and the cancellation of Insurance Policy through its Letter dated 13.07.2018, despite which no action has been taken by the petitioner and other Directors of the Company against Ms. Avantika for one year i.e. till 2019, which prima facie reflects the complicity of the Directors in the alleged wrongs committed on behalf of the Company.

6. **Submissions heard.**

7. In the light of the points highlighted by the learned ASC and by the counsel for the complainant and also considering the Charge-Sheet is likely to be filed in the Court within 15 days, the present Petitions are disposed of with liberty to the petitioner to raise these contentions before the learned Trial Court.



8. Needless to say that if despite that the petitioner is aggrieved by any Order of the learned Trial Court, they may approach the Court afresh.
9. The Petitions are disposed of accordingly.

NEENA BANSAL KRISHNA, J

AUGUST 29, 2024/RS