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

+ **W.P.(CRL) 353/2023, CRL.M.A. 25558/2023**

SH ARUN GUPTA

.....Petitioner

Through: Mr. Shiv Charan Garg, Mr. Imran Khan, Ms. Jahanvi Garg and Mr. Raghav Garg, Advocate.

versus

THE STATE (GOVT. OF NCT OF DELHI) AND ORS.

.....Respondent

Through: Mr. Amot Sinha, Ld. ASC for State with Mr. Ashvini Kumar, Mr. Kshitiz Garg and Ms. Chavi Lazarus, Advocates.
Mr. Anil Kumar, Advocate for R-5.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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29.07.2024

1. A Criminal Writ Petition under Article 226 of Constitution of India read with Section 482 Cr.P.C for quashing of FIR No.165/2022 under Section 420/406/409/120B IPC P.S. Economic Offence Wing and directions to respondent No.1 to consider the representations dated 28.11.2022 and 10.01.2023.

2. The basic grievance of learned Counsel on behalf of the petitioner is that in terms of Section 108, 112, 118(c) and 121(ii) of the Delhi Co-operative Societies Act, 2003, the petitioner has acted within the scope of his appointment and, therefore, no Charge Sheet can be field against him



without prior sanction from the Registrar, Co-operative Societies.

3. Learned Prosecutor submits that the investigations are almost complete and the Charge Sheet is likely to be filed soon in the Court.

4. In so far as the two Representations of the petitioner in regard to prior sanction to be obtained for prosecution of the petitioner are concerned, it is expected that the same would be considered while preparing the Charge Sheet. In any case, the petitioner has a right to agitate this as a ground for discharge before the learned Trial Court.

5. With these observations the petition is disposed of.

NEENA BANSAL KRISHNA, J

JULY 29, 2024/va