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

+ W.P.(C) 3851/2024, CM APPL. 15887/2024

MR SANJIV NARAIN MATHUR & ANR. Petitioners

Through: Mr. Prashanto Chandra Sen, Sr.
Adv. with Mr. Kuriakose
Varghese, Mr. V. Shyamohon,
Mr. Akshat Gogna and Mr.
Sumeet Singh, Advs.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Ajay Digpaul, CGSC with
Mr. Piyush Kumar, Sr.
Prosecutor (SFIO), Mr.
Sandeep Yadav, Mr. Vibhor
Singh, Mr. Shubham Gangal,
Mr. Kamal Digpaul and Ms.
Ishita Pathak, Advs.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

18.03.2024

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1. By way of the instant petition, the petitioners are invoking extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, assailing the repeated issuance of summons against the present Management, despite the fact that the company has since been revived and there are no proceedings pending before the NCLT.

2. Mr. Ajay Digpaul, learned Central Govt. Standing Counsel (CGSC) appearing for the respondents has urged that this Court has no jurisdiction as per the roster, since the offences under investigation, which have allegedly been committed by the *erstwhile* management,



are purportedly being done under Chapter XIV of the Companies Act, and the same entail criminal consequences in nature, and thus, the present writ petition should be rather heard by a bench dealing with criminal writs.

3. The plea advanced by Mr. Ajay Digpaul, learned CGSC is not sustainable as evidently, the repercussions of inquiry/investigation under Chapter XIV are primarily civil in nature and on certain aspects might invite criminal prosecution.

4. Anyhow, after advancing some arguments, learned counsel for the petitioner seeks to withdraw the present petition without prejudice to their rights and contentions.

5. Accordingly, the present petition is dismissed as withdrawn without prejudice.

6. The pending application also stands dismissed.

DHARMESH SHARMA, J.

MARCH 18, 2024/ck