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

+ **W.P.(C) 5771/2023, CM APPL. 46883/2023, CM APPL. 141/2024**

UJJWAL HANDA

.....Petitioner

Through: Mr. Varun Singh, Advocate.

versus

UNION OF INDIA & ORS.

.....Respondents

Through:

Mr. Satvik Varma, Senior Advocate with Ms. Drishti Harpalani, Ms. Gazal Ghai, Mr. Prateek Srivastava and Ms. Simran Sharma, Advocates for R-4.

Mr. Kirtiman Singh, CGSC with Mr. Waize Ali Noor, Mr. Ranjeev Khatan, Mr. Kartik Baijal, Mr. Varun Rajawat and Mr. Varun Pratap Singh, Advocates for R-1.

Mr. Ravinder Chander, SI, PS-Amar Colony.

Mr. Ripu Daman Bhardwaj, SPP with Mr. Kushagra Kumar, Mr. Deepak Gaur, Mr. Jharna Sharma, Mr. Deo Mani Tripathi, Ms. Ekta Mudgil, Mr. Gautam Goshwani, Mr. Ranjan Tiwari, Mr. Ravindra Chaudhury and Mr. Pankaj Singh, Advocate for CBI.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

26.07.2024

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1. Through the present writ petition, the Petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India



seeking the following prayers:

“a) Issue a writ of Mandamus or an appropriate writ directing the Respondents to consider the representation/ complaint dated 16.01.2023 & email dated 20.01.2023, 31.01.2023 & 13.04.2023;

b) Issue a writ of Mandamus or an appropriate writ directing the Respondents to take the documentary evidence from the petitioner for appropriate and fair consideration the representation / complaint dated 16.01.2023 & email dated 20.01.2023, 31.01.2023 & 13.04.2023;

c) Issue a writ of Mandamus or an appropriate writ directing the Respondents to provide for protection/ security to the Petitioner and his family; and

d) Pass any such other & further directions order as may be deemed fit, in the interest of justice.”

2. Earlier, the Petitioner had filed W.P.(C) 12368/2022, wherein vide order dated 26th August, 2022, the following directions were passed:

“This writ petition has been preferred for directions being framed commanding the respondent to consider the representation made by the petitioner. The Court notes that in paragraph 13 of the petition, the petitioner has alluded to certain communications which he came across at his residence. A copy of that communication has also been shown to the Court during the course of hearing of the present writ petition.

Bearing in mind the sensitive nature of the contents of that communication, this writ petition shall stand disposed of with a direction to respondent Nos. 1 and 2 to duly bring the same to the attention of the competent authorities who may then proceed to take such further action as maybe warranted in light of the facts and circumstances of the case.”

3. Petitioner alleges that since the aforementioned directions have not been carried out, he was constrained to file the present writ petition.

4. Considering the aforementioned prayers, when the Court issued notice in the present writ petition on 3rd May, 2023, Mr. Rajan Handa, the brother of the Petitioner who is alleged to be involved various illegal activities, was impleaded as Respondent No. 4. Furthermore, both the Central Bureau of



Investigation¹ as well as Delhi Police were directed to file a status report, placing on record the events which had transpired before them till date. Accordingly, the CBI as well as Delhi Police have filed their status reports.

5. Mr. Ripu Daman Bhardwaj, counsel representing the CBI, has referred to the status report dated 2nd November, 2023, which states as under:

“2. That the above mentioned complaint, has been analyzed which prima facie reveals as under:-

i. The allegations are vague ill nature and not having specific information! aspect of corruption.

i. The alleged person Sh. Rajan Handa, is the elder brother of the complainant! petitioner Sh. Ujjwal Handa and they both are private persons.

iii. The CBI does not have jurisdiction over private person in absence of any specific aspect of corruption.

iv. Further prima facie the allegations seem related to family dispute or related to Department of Internal security (MoHA) and Military Intelligence (MoD).

v. The petitioner has already filed the similar complaints with Delhi Police and Ministry of Defence.”

6. As far as Delhi Police is concerned, they have also filed a status report wherein it is stated that a detailed enquiry has been conducted into the complaint filed by the Petitioner. In pursuance thereof, the Petitioner was requested to provide the original letters/ communications which form subject matter of the present petition to the Delhi Police. It is submitted that despite such request, the Petitioner has not produced the original documents on “flimsy grounds”. According to the status report filed by the Delhi Police, during investigation it was discovered that the Petitioner and Respondent

¹ “CBI”



No. 4 are sons of one Mr. Praduman Kumar Handa and the three are the owners/directors of multiple companies. Due to certain disputes between Respondent No. 4 on one side and the Petitioner and Mr. Praduman Kumar Handa on the other hand, multiple complaints/litigations were filed by the parties, including a complaint under Section 100 read with Section 156(3) of the Code of Criminal Procedure 1973,² which was filed by the Petitioner against his brother Respondent No. 4 under the Prevention of Money Laundering Act 2002,³ the Official Secrets Act, 1923⁴ and threat to life under the Indian Penal Code 1860.⁵ The above complaint was subsequently dismissed by the District Court in terms of the PMLA and the OSA, while a non-cognisable report bearing no. 38/22 was directed to be registered at the Uttam Nagar Police Station in terms of the other alleged offences.

7. Further in terms of the allegations contained in the complaint of the Petitioner, which form the subject matter of the present dispute, the status report records its conclusions as under:

“25. Sh. Praduman Kumar Handa has two sons namely Ujjawal (present petitioner) and his elder brother Sh. Rajan Handa Banda. Since, 2019 onwards; acrimonies arises between Sh. Praduman Kumar Handa & Sh. Ujjawal Handa on one side and Sh. Rajan Handa on the other side. In this process, multiple complaints/litigations have been filed.

26. The Petitioner has produced the photocopies of two letters purportedly sent by Rajan Handa under the letterhead of M/s Anjana International Industries. However, the petitioner has not produced the original letters on the grounds that the matter has already been taken by CBI.

27. As per the enquiry, both the photocopy letters are printed on letterhead of M/ s Anjana International Industries but these letterheads have different logos and format containing information which is already in the public

² CrPC

³ PMLA

⁴ OSA

⁵ IPC



domain. However, the genuineness of these letters could not be ascertained due to the non-production of original copy of these letters by the petitioner.

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29. That from the facts emerged during enquiry, prima facie, it appears that the present petition is a fall out of the dispute mentioned above and is devoid of merits.”

8. Mr. Varun Singh, counsel for the Petitioner, submits that the Delhi Police has not carried out proper investigation on the complaint of the Petitioner as directed in order dated 26th August, 2022 passed in W.P.(C) 12368/2022. They have filed the negative report only on the premise that the original letters/communications have not been presented to them. Mr. Singh submits that the Petitioner is in possession of the original documents and if the Delhi Police would so require, they can examine the same. Mere non-furnishing of the originals cannot be a ground to not to carry out investigation in dereliction of the specific directions of this Court.

9. Further, Mr. Singh placing reliance on Section 5 of the Official Secrets Act, 1923, has argued that the copies of the letters/communications which are placed on record are coded and the subject matter therein is sensitive. Therefore, he argues that proper investigation is required in the matter to ascertain the commission of serious offences under the Official Secrets Act, which is not being carried out by the State Authorities.

10. The Court has considered the contentions of the parties. In the opinion of the Court, the investigation has carried out by both CBI as well as Delhi Police indicate that the present dispute primarily stems from disputes between the Petitioner and his brother – Respondent No. 4. A specialised investigating authority as well as the state police have conducted enquiries into the complaints of the Petitioner and neither of them have found any case



to carry out further investigation. The Court also is unable to discern any material placed on record to issue further directions for investigation.

11. In light of the above, taking note of the two status reports placed on record, the present proceedings are closed along with pending applications. It is clarified that the Petitioner shall be free to explore other remedies as are available under law.

12. Accordingly, the present writ petition is disposed of, along with pending application(s).

SANJEEV NARULA, J

JULY 26, 2024

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