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

+ W.P.(CRL) 1832/2019, CRL.M.A. 5746/2021, CRL.M.A. 12554/2022 & CRL.M.A. 12555/2022

SURINDER KAUR & ANR

..... Petitioners

Through: Mr. Praveen Suri, Mr. Nikhil Singh &
Mr. Sarthak Sharma, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Apporv Kurup & Ms. Muskan Gupta, Advocate for R-1 (UOI).
Ms. Anubha Bhardwaj, SPP, CBI with Mr. Khushan Saini & Mr. Dhruv Kothari, Advocates for R-2.
Mr. Anmol Sharma & Mr. Anmol Mehta, Advocate for RBL Bank.
Mr. Rajat Nair, Special Counsel, ED with Mr. Imon Bhattacharya, Advocate for R-4.
Mr. Amit Singh Chauhan, ASC for DDA/R-5.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

01.03.2024

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1. The present petition under Article 226/227 of the Constitution of India read with Section 482 of the Cr.P.C. seeks the following prayers:

“a) This Hon'ble Court may be pleased to issue a writ of mandamus or by an appropriate writ, the respondent no. 1 through the respondent no.4 be directed to investigate the complaint made by the petitioners on 26.2.2018 and a reminder dated 12.4.2018 in this regard and to take 3 appropriate steps to see that this type of commercial fraud will also lead to falling down of the Indian economy;

b) A writ of Mandamus or by an appropriate writ be issued to respondent nos. 2 and 3 to investigate and to see that the loan



transaction is a genuine one and the manner in which the loan has been given, the license of the RBL Bank be cancelled and they also be called upon to act on the complaints of the petitioners made on 26.2.2018 and 12.4.2018.

c) A writ of mandamus or any other appropriate writ be issued to the respondent no. whereby the respondent no. 5 be directed to take action against the purchasers as well as the mortgaging bank under the facts and circumstances, as stated above as no mortgage in respect of the part of the property of lease-hold property can be done and for doing mortgage prior permission of the respondent no. 5 is required.

d) Cost of the present proceedings may be awarded in favour of the petitioners.

e) Any other or further order which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case may also be passed in favour of the petitioners and against the respondents.”

2. Learned counsel appearing on behalf of the petitioners, without prejudice to the rights and contentions of the latter submits that prayer ‘a’ is not being pressed at this stage on account of the fact that there is no predicate offence as of now.

3. So far as prayers ‘b’ and ‘c’ are concerned, learned counsel appearing for the petitioners seeks leave to withdraw the present petition with liberty to initiate appropriate proceedings before the Court of competent jurisdiction in accordance with law.

4. Leave and liberty granted.

5. The present petition is dismissed as withdrawn and disposed of accordingly.

6. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

MARCH 1, 2024/bsr