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

+ **W.P.(CRL) 2611/2024**

PRATEEK MADHAN & ANR.

.....Petitioners

Through: Mr. Abhimanyu Bhandari, Sr.
Advocate with Mr. Ankit Khera,
Advocate.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Yasir Rauf Ansari, ASC for the
State with SI Nikhil, PS EOW.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

05.05.2025

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[Physical Hearing/Hybrid Hearing (as per request)]

CRL.M.A. 13824/2025 (exemption)

1. Allowed, subject to all just exceptions.

CRL.M.A. 13823/2025 (for directions)

2. At the outset, it was pointed out to learned senior counsel for petitioner/applicant that the present application *prima facie* appears to be completely frivolous. However, at request of learned senior counsel I heard him.

3. It would be apposite, so the prayer clause of the main petition is extracted below:

“A. Issue a Writ, Order or Direction in the nature of Certiorari or any



other appropriate Writ, Order or Direction declaring the arrest of the Petitioners by Respondent No.1/ EOW in relation to FIR No 0001/2024 dated 12.01.2024 to be wholly illegal, arbitrary and unconstitutional and consequently, set aside and quash arrest of the Petitioners vide the Impugned Arrest Order/Memo dated 23.08.2024 as a gross and blatant abuse of the process of law and infringement of the Petitioners' fundamental rights enshrined under Articles 14, 19, 21 and 22(1) & (2) of the Constitution of India; AND

- B. Issue a Writ, order or direction in the nature of Certiorari quashing and setting aside the Order dated 24.08.2024 passed by the Ld. Trial Court, whereby the Petitioners have been remanded to judicial custody in a patently routine and mechanical manner and consequently directing forthwith the release of the Petitioners from custody as his any further incarceration would be gravely prejudicial and detrimental to the cause of justice; and/or*
- C. Issue any other writ(s), order(s) or direction(s), that this Hon'ble court may deem fit and proper in the facts and circumstances of the case in favour of the Petitioner."*

4. Similarly, prayer clause of the present application is extracted below:

- “(i) Issue directions restraining Respondent No. 2 from creating any third party interest or parting with the possession of the first floor and second floor in the property bearing no. No. E-108, Malcha Marg, Diplomatic Enclave, Chanakyapuri, New Delhi.*
- (ii) Issue directions to Respondent No. 2 restraining them from interfering with the quashing of FIR No. 01 of 2024 registered with PS EOW and further comply with the terms of the development agreement dated 01.09.2021;*
- (iii) Issue directions directing Respondent No. 2 to comply with the terms of the oral settlement dated 13.09.2024 recorded in the order dated 13.09.2024 in WP CRL 2611 of 2024.*

Pass such other and further orders in the facts and circumstances of the case."

5. As is obvious, the reliefs sought in the present application travel much beyond the reliefs sought in the main petition. Further, the reliefs sought in



the present application are completely in the nature of civil reliefs and admittedly, arbitration proceedings between the parties are pending.

6. I find the application completely frivolous, so dismissed.

GIRISH KATHPALIA, J

MAY 5, 2025/DR

Click here to check corrigendum, if any