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

+ **W.P.(CRL) 56/2024 & CRL.M.A. 462/2024-Stay**

THE PLEASANT VALLEY FOUNDATION Petitioner

Through: Ms. Vibha Dutta Makhija, Senior Advocate with Sumit Kumar, Advocate alongwith Mr. Dev Kumar Sharma.

versus

THE UNION OF INDIA & ORS. Respondents

Through: Mr. Amit Tiwari, SPC and Mr. Chetanya Puri, Government Pleader for R-1 and 2.
Mr. Yoginder Handoo, Special Counsel and Ms. Bani Dixit, Advocate for R-5 and 6.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

08.02.2024

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1. The present petition under Articles 226/227 of the Constitution of India seeks following prayers:-

“It is, therefore, most respectfully prayed that in light of the aforementioned facts and circumstances and arguments and submissions made and in the interest of justice, equity and good conscience, this Hon’ble Court may graciously be pleased to:-

1. Issue an appropriate writ in nature of mandamus, an order or direction quashing all proceedings emanating from the F.I.R. No. 07 of 2023 dated 16.06.2023 qua the petitioner-organisation registered in the P.S. ACB, Delhi for the offence U/s 13 (1) e r/w 13 (2) of the POC Act, 1988 and 13 (1) b r/w 13 (2) of POC Act (As amended in 2018) r/w 120 B IPC, in so far as the references to the petitioner-organisation are concerned and all the consequential



proceedings initiated there under with reference to the petitioner-organisation; And,

2. Issue an appropriate writ in nature of mandamus, an order or direction directing initiation of criminal proceedings against the responsible Vigilance Department and ACB Officials; And/or

3. Pass any other or further order which this Hon'ble Court may deem fit and proper in the facts and circumstances of the matter at hand.

And for this the petitioner as in duty bound shall forever humbly pray.”

2. Learned Senior Counsel appearing on behalf of the petitioner, on instructions, submits that the aforesaid prayers are not being pressed and the only contention raised before this Court is with regard to the notice dated 23.11.2023 issued under Sections 91/160 of the CrPC to Mr. Dev Kumar Sharma, Secretary of the petitioner-organisation. Learned Senior Counsel for the petitioner submits that the aforesaid notice under Section 160 of the CrPC is invalid on account of the fact that the aforesaid Mr. Dev Kumar Sharma does not reside within the jurisdiction of the investigating agency issuing such notice.

3. Learned Special Counsel, who appears on advance notice, submits that aforesaid notice under Section 160 of the CrPC was returnable for 27.11.2023, which has now lapsed. It is pointed out that, if so advised the Investigating Officer shall issue a fresh notice, in accordance with law.

4. In view of the above, learned Senior Counsel appearing on behalf of the petitioner, on instructions and without prejudice to the aforesaid contention, seeks leave to withdraw the present petition.

5. Leave granted.

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



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

AMIT SHARMA, J

FEBRUARY 08, 2024/sn