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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7388/2024 AND CRL.M.A. 28196/2024**
MK FAIZY @ MOIDEEN KUTTY KPetitioner
Through: Ms. Kamini Jaiswal, Mr. A. Nowfal,
Mr. Abdul Shankoor Mudambra, Mr.
Shaikh Saipan, Mr. Shereef, Mr. Arif
Hussain and Ms. Rani Mishra, Advs.

versus

DIRECTORATE OF ENFORCEMENTRespondent
Through: Mr. Zoheb Hossain, Spl. Counsel for
ED with Mr. Manish Jain, SPP and
with Mr. Vivek Gurnani, Mr. Kratik
Sabharwal, Mr. Kanishk Maurya, Mr.
Kunal Kochar and Mr. Pranjali
Tripathi, Advs.

CORAM:
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA
ORDER
% 09.10.2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for quashing of Complaint Case No.1771/2024 dated 28.03.2024 filed by the respondent under Section 174 IPC against the petitioner, pending before the learned CMM, Patiala House Courts. The aforesaid proceedings were initiated by the respondent since petitioner failed to appear pursuant to summons issued by the respondent under Section 50 of Prevention of Money Laundering Act, 2002 ('PMLA'). Petitioner was further summoned by the learned Trial Court vide order dated 12.04.2024 in aforesaid proceedings under Section 174 IPC.



2. Learned counsel for respondent/ED points out that vide order dated 18.09.2024, since it was undertaken by learned counsel for petitioner that petitioner shall appear before the learned Trial Court on the date fixed (i.e. 09.10.2024) subject to orders in the present petition, the bailable warrants issued against the petitioner by the learned Trial Court were stayed.

It is urged that petitioner has thereafter again failed to appear pursuant to summons issued under Section 50 of PMLA dated 23.09.2024 for 07.10.2024 by the ED.

3. On the other hand, learned counsel for petitioner submits that since the concerned Court (i.e. learned CMM) happened to be on leave today, proceedings were taken up by the learned Link Court and petitioner has duly joined the proceedings through video conferencing. She further submits that in view of joining of proceedings by the petitioner before the learned Trial Court, the present petition has become infructuous and seeks permission to withdraw the petition without prejudice to the rights and contentions of the petitioner.

4. Taking the statement of learned counsel for the petitioner on record, petition is accordingly dismissed as withdrawn without prejudice to the rights and contentions of the petitioner as well as respondent/ED. Further, respondent is at liberty to take up proceedings, if any, in accordance with law since it has been submitted on behalf of ED/respondent that petitioner has failed to join the proceedings before ED on 07.10.2024 pursuant to summons issued under Section 50 of PMLA. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J

OCTOBER 9, 2024

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