



\$~60

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3599/2024, CRL.M.A. 34458/2024**
MAYANK RAJPUT & ORSPETITIONERS
Through: Mr. Ajay Kumar and Mr. Jalaj
Panwar, Advs
Versus
UNION OF INDIA & ORSRESPONDENTS

Through: Ms. Arunima Dwivedi, CGSC with
Mr. Aakash Pathak, GP
Mr. Atul Tripathi, SSC, CBIC with
Mr. V.K. Attri, Adv alongwith Sh.
Sujeet Kumar, I.O

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER
19.11.2024

%

1. By virtue of the present Writ Petition, the petitioners seek the following reliefs:

- “ i. Release the petitioner if the detention is found to be illegal or unconstitutional, issue Writ like Habeas Corpus.*
- ii. Mandate compliance with CCTV recording directives and preservation of footage.*
- iii. Pass such order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, like Habeas Corpus. Additional Relief: Fix personal accountability of the officers and order department inquiry and lodging a criminal complaint for taking the law into their own hands, violating constitutional rights, right to privacy, and fabricating documents, etc.”*

2. It is the petitioners' case that petitioner nos. 1 and 2 have been unlawfully detained by the CGST Department, Ghaziabad without following the due process of law. It is their plea that even though the petitioners have been carrying out business in Delhi, proceedings have been initiated against



them by the Department in Ghaziabad and Meerut which it is urged amounts to jurisdictional overreach.

3. Learned CGSC, appearing on advance notice on behalf of the respondent no.1/ Union of India at the outset raises an issue of maintainability of the present Writ Petition before this Court, primarily since the arrest with which the petitioners are aggrieved, were made pursuant to an order dated 25.10.2024 passed by the Chief Judicial Magistrate, Meerut, Uttar Pradesh. In the light of this plea of the respondents, learned counsel for the petitioners submits that instead of pressing the present petition, the petitioners will approach the Apex Court or any other appropriate Court as may be advised and therefore, seeks to withdraw the same.

4. In view thereof, especially taking into account the respondents' plea, we allow the prayer of the learned counsel for the petitioners and dispose of the present petition as not pressed with liberty to approach the appropriate forum/ Court, making it clear that it will be open for the petitioners to avail of all appropriate remedies, as per law.

5. Furthermore, since we have not expressed any opinion on the merits of the grounds raised in the present petition, it will be open for the petitioners to raise all grounds permissible in law, including grounds raised in the present petition in any fresh proceedings which they may choose to initiate.

REKHA PALLI, J

SAURABH BANERJEE, J

NOVEMBER 19, 2024/Ab