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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 922/2022, CRL.M.A. 7885/2022 & CRL.M.A. 25767/2024**

CD PHARMA INDIA PVT. LTD.Petitioner
Through: Mr. Krishna Vijay Singh
& Mr. Pradyuman Sewar,
Advvs.
versus

GOVT. OF NCT OF DELHI & ORS.Respondents
Through: Mr. Amol Sinha, ASC for
the State
SI Yogendra Kumar, PS-
EOW, Mandir Marg
Mr. Vikas Arora, Adv. for
Intervener

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
02.04.2025

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1. The petitioner has filed the present petition seeking quashing of closure reports dated 13.03.2020 and 01.07.2021. The petitioner also prays that the investigation be conducted in a fair, unbiased and impartial manner in FIR No. 365/2017 registered at police station Safdarjung Enclave.
2. On an earlier occasion, the petitioner had filed a writ petition being W.P. (CRL.) No. 999/2020 seeking following reliefs:

“(a) Issue a writ and/or order and/or direction for transfer of the investigation into FIR No. 365 of 2017, registered by P.S. Safdarjung Enclave, from the Economic Offences Wing of the Delhi Police, Section VI to the Central Bureau of Investigation since the investigations have been compromised in collusion with the accused and Mr. Stefano Bagianti, as detailed in the writ petition, and the matter requires international investigation spanning several countries such as Switzerland, Italy, South Korea, Singapore, China, etc.;
(b) Examine the case record and set aside the biased investigation



conducted and/or report prepared by the investigating officer in collusion with the accused;

(c) Direct CBI to register an FIR under the provisions of Section 217, 218, 219 and Section 120B of the Indian Penal Code, 1860 against Respondent Nos. 2, Mr. Stefano Bagianti, accused Claudio De Simone and accused Kanwaldeep Singh Chadha for conspiring with each other to enable Mr. Stefano Bagianti to gain unlawful access to the entire case file during the investigations and illegally influencing such investigations;

(d) Direct the Police Commissioner to initiate a departmental enquiry against the investigating officer and other errant officers;”

3. This Court on an earlier occasion considered the submissions advanced by the petitioner and noted that the closure report is filed due to lack of evidence. It was observed that if the petitioner brings more evidence, then further investigation can be ordered by the learned Trial Court.

4. This Court observed that the petitioner is aggrieved of the fact that main accused, Claudio, was never examined. This Court disposed of the W.P. (CRL.) No. 999/2020 by order dated 23.12.2020 and held as under:

“30. Admittedly the petitioner did not argue on merits but did based his case upon four prime contentions a) accused Claudio was never summoned; b) case files having been shown to a lawyer; c) substantial assets and the business of the petitioner company being transferred by the accused persons in their new company named as M/s Next Gen without seeking permission from the petitioner company or without any Board resolution or a special resolution; and vide agreement dated 27.02.2010, Trade Mark license was transferred without a special resolution to their own company Next Gen; and d) as also Rs.43.00 lacs being withdrawn in cash etc.

31. Though such pleas shall definitely be under the scan of Ld. MM but still to ensure fair investigation it would be appropriate if senior officer of EOW of the level of Special Commissioner, not earlier associated with investigation, look into the above contention a) to d) afresh, based on material on record, including veracity of note dated 28.06.2019 (supra) and then file an additional report before the learned Trial Court stating interalia, if such aspects needs to be looked into afresh or not.

32. Hence without ordering re-investigation, but to ensure



fairness, the above direction be complied with. The Special Commissioner (EOW) to examine the effect of a) to d) above on the investigation conducted so far and to take a call if any of a) to d) above need to be revisited and, then to file an additional report before the learned Trial Court, preferably, within four months from the date of communication of this order.

33. Needless to say, the closure report, pending before the learned Magistrate be kept in abeyance without drawing any inference till this fresh report is filed. It is only thereafter the learned MM shall consider both the reports to proceed further as per law.

34. The petition stands disposed of in terms of above. Pending application, if any, stands disposed of.

35. Copy of this order be electronically communicated to the learned Magistrate/Special Commissioner of EOW for information and compliance.”

5. Pursuant to disposal of W.P. (CRL.) No. 999/2020 by order dated 23.12.2020 and directions issued by this Court, the respondent authorities, thereafter, carried out further investigation and filed the report dated 01.07.2021. It is pointed out that the authorities again, by report dated 01.07.2021 came to the conclusion that no offence is made out. The petitioner is aggrieved stating that the directions passed by this Court have not been complied with.

6. The learned Standing Counsel, however, has argued to the contrary. He submits that further status reports have also been filed by the police authorities before this Court.

7. Be that as it may, the subsequent report pursuant to the order passed by this Court has already been filed. The petitioner is at liberty to raise its grievance and file an appropriate application in protest of the report filed by the State.

8. Needless to say, the learned Trial Court, while passing any further order in the application that may be filed by the petitioner, would have to consider the directions passed by this Court in order dated 23.12.2020.

9. If the State is found to have not complied with the



directions passed by this Court, in any manner whatsoever, the learned Trial Court can pass appropriate order in order to ensure unbiased and further investigation if necessary and also to comply with the order passed by this Court.

10. The petitioner apprehends that there are certain applications filed by the proposed accused persons seeking release of the material which was seized by the Police authorities at the time of investigation. He submits that if the said applications are allowed, the purpose of filing the application seeking protest against the report dated 01.07.2021 would become infructuous.

11. The learned Trial Court is directed to consider the application filed by the proposed accused together with the application that may be filed by the petitioner in protest to the report dated 01.07.2021.

12. The present petition is disposed of with the aforesaid observations with liberty to the petitioner to file an appropriate petition in protest of the report dated 01.07.2021.

13. Since the investigation has been pending since the year 2017, the learned Trial Court is requested to expedite passing of subsequent order.

14. The learned Trial Court is expected to pass subsequent orders on its own merits without being influenced by the order passed in the present petition.

15. Needless to say, the parties are at liberty to approach this Court in case any grievance remains in future.

AMIT MAHAJAN, J

APRIL 2, 2025
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