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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P. (CRL) 1856/2019& CRL.M.A. No. 12293/2021 (for disposal of petition), CRL.M.A. No. 5387/2022 (permission to amend the petition), CRL.M.A. No. 5388/2022 (recall of order) and CRL.M.A. No. 1842//2023 (direction)

VIVEK NAGPAL

.....Petitioner

Through: Mr.Siddharth Luthra, Sr.Adv. with
Mudit Jain, Mr.Rose Verma, Ms.
Mahima Malhotra and Mr.Kartikey
Dang, Advs.

versus

UNION OF INDIA & ANR

.....Respondents

Through: Mr.Rakesh Kumar CGSC with
Mr.Sunil Arora, Advs.
Mr.Sunil Dalal, Sr. Adv. with Mr.
Ashish Aggarwal, Mr.A.S. Shera,
Mr.Sarthak Malhotra, Ms. Shipra Bali,
Mr. Bharat Khurana, Mr. Sarthak
Malhotra, Mr.Himanshu Singh and
Ms. Shivangi Shokeen, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

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11.09.2025

1. Heard learned counsels for the parties.
2. Learned Senior Counsel for respondent No.2 submits that learned Single Judge of this Court, *vide* Judgment/Order dated 14.01.2025 in “**Sanjay Kumar vs. Securities and Exchange Board of India,**” 2025 SCC OnLine Del 161, has issued following directions:-

“10. The fact that there is no direction by the Supreme Court to the SEBI in Prakash Gupta (supra) to produce the documents does not mean that the Court does not have the



power under Section 91 to summon these documents. In fact, the SEBI, in its reply, has stated that it does not have any objection in producing the documents before the Court if the Court wants to see the documents. In the considered opinion of this Court, the documents will be necessary for the Court to consider the application of the Petitioner to quash the complaint in view of the guidelines laid down by the Supreme Court.

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14. In view of the above, the materials sought by the Petitioner become exceedingly important for the Court to take a decision as to allow or not allow the compounding application of the Petitioner.

15. In view of the above, this Court is inclined to set aside the Order dated 26.11.2021, passed by the Ld. Additional Sessions Judge, Tis Hazari, dismissing an application filed by the Petitioner under Section 91 Cr. P.C. The SEBI is directed to produce all the documents before the Court. These documents can be given in a sealed cover, and it is for the Court to take a decision as to whether these documents should be supplied to the Petitioner or not.”

3. He states that challenge to the said Judgment/Order dated 14.01.2025 was made by way of *Special Leave Petition No. 7929/2025*, but said order was maintained by the Hon’ble Supreme Court while dismissing the abovesaid SLP on 27.05.2025.

4. Mr. Sunil Dalal, learned Senior Counsel for Respondent No.2, on instructions, submits that the same benefits would also be available to the petitioner, in case he, too, files any application and the documents, as pertaining to his case, would be placed in sealed cover before the learned Trial



Court for its due consideration.

5. Evidently, once any such application is filed by the petitioner herein before the learned Trial Court, the Trial Court can thereafter, proceed as per settled law as per ***Sanjay Kumar vs. Securities and Exchange Board of India, 2025 SCC OnLine Del 161*** and ***Prakash Kumar Gupta vs. Securities and Exchange Board of India, 2021 SCC OnLine SC 485*** and in case, thereafter also, the petitioner is left with any grievance, it is always open to him to take recourse to appropriate proceedings and to seek appropriate relief, including those raised in the present proceedings by way of proposed amendment or otherwise.

6. Needless to say, Respondent No.2 has also the same liberty.

7. After hearing some arguments, learned Senior Counsel for the petitioner submits that he would have no objection if the present petition is disposed of in aforesaid terms.

8. The petition, stands disposed of in aforesaid terms.

9. All pending applications stands disposed of in the aforesaid terms.

VIVEK CHAUDHARY, J.

MANOJ JAIN, J.

SEPTEMBER 11, 2025

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