



\$~45

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

+ **CRL.M.C. 5701/2022**

RAM AVATAR AGARWAL

..... Petitioner

Through: Mr Ayush Jindal and Mr Mukul
Malik, Advs.

versus

DIRECTORATE OF ENFORCEMENT

..... Respondent

Through: Mr Arun Bhardwaj, Sr. Adv. with Mr
Anupam S Sharma, Mr Abhishek
Sharma, Ms Gauraan, Mr Prakash
Airan and Mr Harpreet Kalsi, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **03.11.2022**

CRL.M.A. 22469/2022

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 5701/2022

This is a petition for quashing/setting aside the complaint case no. 19/2022 filed before the Ld. Special Judge, PC Act, CBI against the petitioner and the cognizance order dated 20.08.2022 in CC No. 19/2022.

Issue notice.

Mr. Anupam Sharma, learned special counsel accepts notice for respondent, seeks and is granted four weeks to file the response/status report.



List on 08.02.2023.

CRL.M.A. 22468/2022

This is an application seeking stay of the proceedings against the petitioner. Mr. Jindal, learned counsel appearing for the petitioner has drawn my attention to the order of 22.01.2016 where the relevant para reads as under:

“As regards the other accused, the allegations are relating to section 120B IPC Section 7 read with section 13(1) (d) & section 13(2) of the PC Act. As the cognizance against the public servant cannot be taken, no case against other accused will be made out. Therefore, the cognizance qua other accused can also not be taken and the same is declined”.

Since cognizance against the accused persons was not taken under the provisions of IPC, prima facie, I am of the view that there is no predicate offence pending against the petitioner to continue proceedings under PMLA.

Issue notice. Mr. Sharma, learned Special counsel accepts notice, seeks and is granted four weeks to file a response.

Till the next date of hearing, the proceedings before the Trial Court in *Enforcement Directorate vs. Mukti Pada Dikshit @ M.P. Dixit & Ors.* shall remain stayed against the petitioner.

List on 08.02.2023 alongwith Crl.M.C. 4964/2022 and Crl.M.C. 4952/2022.

JASMEET SINGH, J

NOVEMBER 3, 2022/sr

[Click here to check corrigendum, if any](#)