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

+ CRL.M.C. 5462/2024

SURENDER RAWAT
AND ORS

.....Petitioners

Through:
versus

DIRECTORATE OF ENFORCEMENT
AND ANR

.....Respondents

Through: Mr. Zoheb Hussain & Mr.
Manish Jain, Spl. Counsel
for ED with Mr. Vivek
Gurnani, Mr. Kartik
Sabharwal, Mr. Mohit &
Mr. Sidarth Kumar, Adv.
Mr. Tanveer Ahmad Mir,
Mr. Yash Datt, Mr.
Shashwat Sarin, Mr.
Kartik Venu & Mr. Yatin
Dev, Adv. for R2

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+ CRL.M.C. 5634/2024

DIRECTORATE OF ENFORCEMENT

.....Petitioner

Through:
versus

RAM KISHOR ARORA

.....Respondent

Through: Mr. Tanveer Ahmad Mir,
Mr. Yash Datt, Mr.
Shashwat Sarin, Mr.
Kartik Venu & Mr. Yatin
Dev, Adv.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
24.07.2024

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CRL.M.A. 20906/2024 (for exemption) in CRL.M.C.
5462/2024
CRL.M.A. 21503/2024 (for exemption) in CRL.M.C.
5634/2024

CRL.M.C. 5462/2024 & connected matter

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1. Exemptions allowed, subject to all just exceptions.
2. These applications stand disposed of.

CRL.M.C. 5462/2024 & CRL.M.A. 20907/2024 in CRL.M.C. 5462/2024

CRL.M.C. 5634/2024 & CRL.M.A. 21504/2024 in CRL.M.C. 5634/2024

3. The present petitions have been filed challenging the order dated 06.06.2024 (hereafter '**impugned order**'), passed by the learned Trial Court, whereby Respondent No. 2 in CRL.M.C. 5462/2024 (that is, the respondent in CRL.M.C. 5634/2024) was admitted on bail in ECIR No. STF/21/2021.

4. The learned counsel for the Directorate of Enforcement submits that the impugned order erroneously records that the bulk of FIRs, pursuant to which the investigation was initiated under the Prevention of Money Laundering Act, 2002 ('**PMLA**'), have either been settled or the orders of 'no coercive steps' have been obtained in them on the basis of settlement. He submits that the same could not have been a ground for grant of bail.

5. He submits that the learned Trial Court has also erroneously relied upon the judgment passed by the Hon'ble Apex Court in the case of **Vijay Madanlal Choudhary v. Union of India : 2022 SCC OnLine SC 929**. He submits that in the said case, the Hon'ble Apex Court had held that the investigation or the proceedings under PMLA cannot be initiated/ proceeded *sans* the scheduled offence.

6. He submits that the present is not the case where the respondent has been discharged or acquitted in the scheduled offence. He submits that settlement with some of the home buyers could not have been ground for applying the principles as laid down by the Hon'ble Apex Court in **Vijay Madanlal**

CRL.M.C. 5462/2024 & connected matter

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Choudhary v. Union of India (supra).

7. He submits that it is an admitted case that hundreds of home buyers have been cheated which led to registration of multiple FIRs.
8. He submits that it is also not the case of the accused person that the amount has been refunded to the home buyers or that they have been compensated.
9. He submits that the FIRs were registered under Sections 420/468/471 of the Indian Penal Code, 1860 ('IPC') and the offences under Sections 468/471 of the IPC are not compoundable even at the instance of home buyers.
10. The learned counsel for the petitioners, in CRL.M.C. 5462/2024, supports the arguments advanced by the learned counsel for the Directorate of Enforcement.
11. Issue notice.
12. Mr. Tanveer Ahmad Mir, who appears on advance service, accepts notice, and seeks time to file a short reply.
13. Let the same be filed before the next date of hearing.
14. List on 29.08.2024.
15. A copy of this order be placed in both the matters.

AMIT MAHAJAN, J

JULY 24, 2024

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