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

+ **CRL.M.C. 6693/2022**

**STARCITY REALTECH PRIVATE LIMITED THROUGH AR
MR. PUNEET SAIN & ORS. Petitioners**

Through: Mr. Mohit Mathur, Sr. Advocate
with Mr. Simarpal Singh Sawhney,
Mr. Kushagra Singh and
Mr. Abhishek Choudhary,
Advocates for petitioner No.1.
Mr. Giriraj Subramaniam with
Mr. Simarpal Singh Sawhney,
Mr. Kushagra Singh, Mr. Aklesh
Talluri, Mr. Siddhant Juyal and
Abhishek Singh, Advocates for
petitioner Nos.2 to 5.
versus

STATE GOVERNMENT OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Amit Sahni, APP for the State
Mr. Siddharth Luthra, Sr.
Advocate and Mr. Vikas Pahwa, Sr.
Advocate with Mr. Yudhister Singh
and Mr. Prabhav Ralli, Advocates
for respondent No.2.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

03.03.2023

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CRL.M.A. 5373/2023 (seeking stay of notices dated 23.02.2023)

1. Present application has been filed seeking stay of the notices issued by the Office of the Assistant Commissioner of Police, Economic Offences



Wing, PS Mandir Marg Complex, Mandir Marg, New Delhi to Sh. Pankaj Bansal, the then Director of M/s Starcity Realtech Private Limited, M/s Cosmo Propbuild Private Limited – Sh. Roop Kumar Bansal, the then Director of M/s Starcity Realtech Private Limited, M/s Cosmo Propbuild Private Limited – Sh. Vijay Kumar Aggarwal, Director of M/s M3M India Private Limited – Sh. Vivek Ranjan, Director of M/s M3M India Private Limited.

2. Learned senior counsel for the petitioners submits that while this Court is seized of the petition for quashing of the FIR, the Investigating Officer has malafidely issued the present notice for the personal appearance of the Directors and this may be stayed till the matter is heard and decided by this Court.

3. Sh. Siddharth Luthra, learned senior counsel for respondent No.2 submits that the present application is totally mischievous as the noticees, as mentioned in the present application, are not party to the substantive petition and therefore no relief can be granted. Learned senior counsel further submits that in no manner the investigation ought not to be stayed at any stage. Learned senior counsel further submits that this Court vide order dated 13.12.2022 has already granted protection to the petitioners.

4. Sh. Vikas Pahwa, learned senior counsel for respondent No.2 has also emphasised that the impugned notices are innocuous notices as they merely ask the noticees to provide their version/reply along with the relevant information/documents in order to facilitate the investigation.

5. Sh. Mohit Mathur, learned senior counsel for the petitioners submits



that they have no intention to block the investigation and the Company would send some senior officer along with the record to the Investigating Officer for the purpose of facilitating the investigation.

6. Let a senior officer along with the entire record to appear before the Investigating Officer in pursuance to all the notices dated 23.02.2023. Petitioners are also directed to cooperate with the investigation in all the impugned notices.

7. Since the notices were issued for the dates 27th and 28th of February, 2023, which have already expired, the Investigating Officer present in the Court, states that a responsible officer along with the record may appear on 07.03.2023.

8. In view of the above, the present application stands disposed of.

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9. List on 09th March, 2023, the date already fixed.

DINESH KUMAR SHARMA, J

MARCH 3, 2023
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