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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.Vijay Aggarwal, Mr.Hardik
Sharma, Mr.Pankush Goyal,
Mr.Rachit Bansal, Ms.Barkha
Rastogi and Mr.Ashish Rawat,
Advs.

versus

STATE GOVERNMENT OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr.Aman Usman, APP.
Mr.Vikash Pahwa, Sr. Adv.
with Mr.Yudhister Singh,
Mr.Prabhav Ralli, Mr.Aditya
Shukla and Mr.Kushal Gupta,
Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

12.01.2024

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CRL.M.A. 31854/2023

1. By this application, the petitioner seeks impleadment of the following companies:

- (1) *Sparsh Promoters Private Limited;*
- (2) *Sidhant Buildcon Private Limited; and*
- (3) *Sandesh Buildcon Private Limited*

2. The learned counsel for the petitioner submits that a reading of the FIR challenged in the present petition, that is, FIR No. 0047/2022 registered at Economic Offences Wing (EOW), New Delhi under



Sections 406/467/468/471/120B/34 of the Indian Penal Code, 1860 (in short, 'IPC'), would show that it makes a complaint against the petitioner of its alleged dealings with the abovenamed companies. It also shows that it is the interest of these companies that is sought to be protected in the complaint which resulted in the registration of the FIR. He submits that they would, therefore, be alleged victims of the offence and would be necessary and proper parties in the present petition, which seeks quashing of the said FIR.

3. On the other hand, the learned senior counsel for the respondent no. 2 submits that the respondent no. 2 has an independent interest to protect in the said FIR inasmuch as its development rights in the project were being jeopardised by the unlawful activities of the petitioner. He further submits that the present application has been filed merely to delay the adjudication of the present petition and the abovementioned companies are neither necessary nor proper parties to the present petition.

4. He submits that, in fact, these companies, pursuant to the investigation, may, in fact, be accused of having connived with the petitioner in perpetuating the fraud complained of.

5. I have considered the submissions made by the learned counsels for the parties.

6. A reading of the FIR would show that the complaint made is related to transactions entered into between the petitioner and the abovementioned companies. The respondent no. 2 filed the above complaint claiming that these companies are under its control. These companies, therefore, would be necessary and proper parties in the



present petition.

7. Though, the learned senior counsel for the respondent no. 2 submits that these companies have connived with the petitioner and may also be arrayed as an accused pursuant to the investigation carried out, for the purposes of the present application, I need not enter into this controversy.

8. In view of the above, let notice of this application be served on the abovementioned three companies by the petitioners through all permissible modes, returnable on 04.04.2024.

9. The notice shall also accompany a copy of the paper book of the present petition as a whole.

10. Reply, if any, to this application be filed by the said companies within a period of three weeks of receipt of the notice. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

11. As prayed for, reply to this application be also filed by the respondent no.1 within the abovementioned period.

12. List on 4th April, 2024.

CRL.M.A. 1229/2024

13. The learned senior counsel for the respondent no. 2, placing reliance on the judgments of the Supreme Court in ***Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra***, 2021 SCC OnLine SC 315; ***Vijay Kumar Gopi Chand Ramchandani v. Amar Sadhuram Mulchandani & Ors.***, 2022 SCC OnLine SC 1861, and ***Union of India v. Padam Narain Aggarwal & Ors.***, 2008 (13) SCC 305, submits that the *interim* order dated 13.12.2022 of this Court deserves to be vacated.



14. He further submits that the petitioners are also guilty of misleading this Court inasmuch as the advance copy of the petition was served deliberately on a wrong email by the petitioners in order to obtain *ex parte* relief in their favour.

15. Issue notice.

16. Notice is accepted by Mr.Vijay Aggarwal, learned counsel on behalf of the petitioners, and Mr.Aman Usman, learned APP, on behalf of the State.

17. Status Report/reply be filed within a period of three weeks. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

18. List on 4th April, 2024.

CRL.M.C. 6693/2022 & CRL.M.A. 26053/2022, CRL.M.A. 2625/2023, CRL.M.A. 10061/2023, CRL.M.A. 10903/2023

19. List on 4th April, 2024.

NAVIN CHAWLA, J

JANUARY 12, 2024/ns/ss

Click here to check corrigendum, if any