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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6229/2024, CRL.M.A. 23801/2024**
M/S FROST INTERNATIONAL LTD

.....Petitioner

Through: Mr. Aditya Dewan, Mr. Shahan Ulla
and Mr. Krishan Kumar, Adv.

versus

CENTRAL BUREAU OF INVESTIGATION

.....Respondent

Through: Mr. Anurag Ahluwalia, Adv.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **12.08.2024**

CRL.M.A. 23802/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 6229/2024, CRL.M.A. 23801/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for quashing of Supplementary Chargesheet arising out of FIR/RC No. 2172021A0001 dated 12.01.2021 under Sections 7/7A/8/12 PC (Amendment) Act, 2018 read with Section 120B IPC registered at Branch CBI: ACU-IV, AC-II: New Delhi and proceedings emanating therefrom.
2. Issue notice. Learned counsel for respondent - CBI appears on advance notice and accepts notice.
3. Reply be filed before the next date of hearing with an advance copy to



learned counsel for the petitioner.

4. Learned counsel for the petitioner submits that the petitioner company (M/s Frost International Ltd.) which is under insolvency process has been summoned by way of Supplementary Chargesheet, though the promoters of the company have been placed in Column No. 12 of the Supplementary Chargesheet.

5. On the other hand, maintainability of the petition through Resolution Professional, in respect of affairs of the company prior to institution of insolvency proceedings, is challenged by the respondent-CBI. Learned counsel for respondent-CBI vehemently emphasizes that during the moratorium period, the criminal proceedings against the company are not barred even if the promoters have not been summoned as accused.

6. No interim orders are passed at this stage, keeping the rights and contentions of learned counsel for the parties open and to be considered in the light of reply to be filed by respondent.

Petitioner shall be at liberty to file an application for personal exemption before the learned Trial Court for consideration in accordance with law.

Trial Court Record be summoned in digital format.

List on 06.11.2024.

ANOOP KUMAR MENDIRATTA, J

AUGUST 12, 2024

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