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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 8309/2024 & CRL.M.A. 31732/2024**
DR VIJAYA RAJAKUMARIPetitioner

Through: Dr. Harshvir Pratap Sharma, Sr. Adv.
with Mr. Bhagwan Swarup Shukla,
Mr. Sharvan Kumar and Mr. Akul
Krishnan, Advs.

versus

THE STATE GOVT OF NCT DELHI AND ANRRespondents

Through: Mr. Aman Usman, APP for State with
Insp. Kamal Kumar SI Gulab Singh
PS Crime Branch, Delhi

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
12.03.2025

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1. The present petition has been filed seeking quashing of chargesheet filed in FIR No. 124/2024 under Sections 120-B/419/420/467/468/471/474/201 of IPC read with Sections 18/19/20 of Transplantation of Human Organs Act, 1994 (TOHO Act) and Section 14 of Foreigners Act registered at PS Crime Branch, Delhi.
2. Dr. Harshvir Pratap Sharma, the learned senior counsel appearing on behalf of the petitioner, *inter-alia* argues that the cognizance could not have been taken by the learned Trial Court in view of the specific bar contained in Section 22 of TOHO Act which provides that no cognizance can be taken by any Court except on a complaint made by an appropriate authority or any



authorized officer. In support of his submission, Dr. Sharma has placed reliance on the decision of the Hon'ble Supreme Court in ***Jeewan Kumar Raut & Anr. vs. Central Bureau of Investigation (2009) 7 SCC 526***, more particularly, paras 22, 23, 25 and 26 thereof.

3. Reliance has also been placed by him on another decision of the Hon'ble Supreme Court in ***Union of India vs. Ashok Kumar Sharma & Ors. (2021) 12 SCC 674***, more particularly, paras 57, 59, 167, 170 and conclusion paragraph(s).

4. The learned APP appearing on behalf of the State prays for time to examine the said decisions and make his submissions on the next date.

5. Re-notify on 07.05.2025.

6. The interim order in terms of para 10 of order dated 21.10.2024 shall continue, till the next date.

VIKAS MAHAJAN, J

MARCH 12, 2025

N.S. ASWAL