

ITEM NO.25 Court 9 (Video Conferencing) SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Criminal) No(s). 162/2021

NAMRATA BUGALIA & ANR.

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(FOR ADMISSION and IA No.50608/2021-GRANT OF INTERIM RELIEF and IA No.50610/2021-EXEMPTION FROM FILING O.T.)

Date : 12-04-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Jayant Kumar Mehta, Sr. Adv.
 Mr. Ram Niwas Buri, Adv.
 Mr. G.P. Tiwari, Adv.
 Ms. Preeti Singh, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Learned counsel for the petitioner(s) contends that the respondent No.4 was appointed as an Interim Resolution Professional on 14.11.2019 and sought to extract money from the petitioners. In pursuance to the conversation recorded and a complaint being made to the CBI, an FIR was registered on 11.01.2020 under the provisions of Indian Penal Code and Prevention of Corruption Act, 1988.

A trap was laid for the co-accused who was found taking bribe from petitioner No.2 on behalf of respondent No.4 in the presence of the independent witnesses and the final report has been filed.

The bail application of petitioner No.4 was rejected by the Court of Special Judge on 14.01.2020 but he was subsequently granted bail on 25.01.2020 subject to certain terms and conditions. Not only that, on 01.12.2020 the disciplinary committee of the Insolvency and Bankruptcy Board of India (IBBI) restrained respondent No.4 from accepting any process or assignment under the Code, till he was exonerated of all charges. Respondent No.4, allegedly in a spiteful manner, arising from the aforesaid facts and circumstances filed a complaint Case under Section 156(3) Cr.P.C. against the petitioners under Sections 420,467,468,471,120-B, IPC and Sections 55,56 of the IT Act. An FIR was registered on 14.03.2021.

Learned counsel submits that the petitioner apprehends arrest arising from the FIR No.287/2021 dated 14.03.2021 and on the alternative seeks transfer of the investigation from Police Station -Sihani Gate, Ghaziabad, UP where the FIR is registered to the Central Bureau Investigation, ACB, New Delhi along with the investigation pending against respondent No.4.

We did put to learned counsel for the petitioners as to why recourse in case like this has been had to under Article 32 of the Constitution of India. Learned counsel only submits that this is an exceptional case.

On hearing learned counsel for the parties, we are only inclined to consider the issue of transfer of investigation to the CBI for investigation which is the alternate prayer (b).

Let notice issue confined to the aforesaid aspect.

In the meantime, the further proceedings in pursuance to FIR No.287/2021 dated 14.03.2021 registered with Police Station Sihani Gate, Ghaziabad, Uttar Pradesh are stayed.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)