



2026:DHC:7824



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

% **Date of Decision: 08th September, 2026**

CNR No. DLHC010422812026

+ **CONT.CAS(C) 1635/2026 & CM APPL. 60634/2026**

HARI OM GUPTA

.....Petitioner

Through: Mr. Dhanesh Relan, Sr. Adv. with
Mr. Jatin Bhatia, Ms. Kriti Keya,
Advocates (M:9990259571)

versus

STATE GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Abhinav Singh, Mr. Rishab
Mittal, Ms. Pearl Khurana, Advocates
(M:9811188892)
Ms. Divya Singhvi, GP for UOI
(M:9599017054)
SI Mohit Malik, PS-EOW, Mandir
Marg, New Delhi (M:9953582192)

108

CNR No. DLHC010422822026

+ **CONT.CAS(C) 1636/2026 & CM APPL. 60635/2026**

HARBANS LAL SARIN THROUGH LEGAL HEIRS & ANR.

.....Petitioners

Through: Mr. Dhanesh Relan, Sr. Adv. with
Mr. Jatin Bhatia, Ms. Kriti Keya,
Advocates (M:9990259571)

versus

STATE GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Abhinav Singh, Mr. Rishab
Mittal, Ms. Pearl Khurana, Advocates
(M:9811188892)



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Ms. Divya Singhvi, GP for UOI
(M:9599017054)
SI Mohit Malik, PS-EOW, Mandir
Marg, New Delhi (M:9953582192)

109

CNR No. DLHC010422832026

+ CONT.CAS(C) 1637/2026 & CM APPL. 60637/2026

ARUN SAXENA

.....Petitioner

Through: Mr. Dhanesh Relan, Sr. Adv. with
Mr. Jatin Bhatia, Ms. Kriti Keya,
Advocates (M:9990259571)

versus

STATE GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Abhinav Singh, Mr. Rishab
Mittal, Ms. Pearl Khurana, Advocates
(M:9811188892)
Ms. Divya Singhvi, GP for UOI
(M:9599017054)
SI Mohit Malik, PS-EOW, Mandir
Marg, New Delhi (M:9953582192)

110

CNR No. DLHC010422842026

+ CONT.CAS(C) 1638/2026 & CM APPL. 60638/2026

SMT SHASHI GULATI

.....Petitioner

Through: Mr. Dhanesh Relan, Sr. Adv. with
Mr. Jatin Bhatia, Ms. Kriti Keya,
Advocates (M:9990259571)

versus

STATE GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Abhinav Singh, Mr. Rishab
Mittal, Ms. Pearl Khurana, Advocates
(M:9811188892)



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Ms. Divya Singhvi, GP for UOI
(M:9599017054)
SI Mohit Malik, PS-EOW, Mandir
Marg, New Delhi (M:9953582192)

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA
MINI PUSHKARNA, J. (ORAL):

1. The present contempt petitions have been filed alleging wilful disobedience of the judgment dated 23rd August, 2018, passed by this Court in *W.P.(CRL) 1666/2013* and other connected matters, wherein, directions were issued in the following manner:

“xxx xxx xxx

87. I am of the considered view that in exercise of the inherent jurisdiction of this Court, the mistake committed by the Courts below in rejecting the applications of the petitioners/ complainants under Section 156(3) Cr.P.C. ought to be corrected. Accordingly, I direct that the SHO, PS Barakhamba Road to register separate FIR's forthwith on the complaints of the petitioners/ complainants and to proceed with the investigation into the cognizable offences disclosed by the petitioners/ complainants, inter alia, under Section 406/420/468 read with Section 120B IPC. The police must strictly comply with Section 219(1) Cr.P.C.

88. The reluctance shown by the police in registering the FIR's on the complaints of the petitioners/ complainants, despite the same disclosing commission of serious cognizable offences, as also their opposition to the applications of the petitioners/ complainants under Section 156(3) Cr.P.C. before the Id. MM; thereafter before the Ld. ASJ; and thereafter before this Court shakes the confidence of this Court and raises doubts as to whether the police is truly interested in performing its statutory obligations. The possibility of the accused- who are builders are having deep pockets, influencing the machinery, cannot be ruled out.

89. I may observe that looking to the circumstances of the cases; I was inclined to direct the registration of the cases and investigation by the CBI, since the cases would involve conduct of investigations not only within the NCT of Delhi but also in other places like Kolkata, where respondent No.4



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Company was registered. However, I am refraining from doing so at this stage in the hope that Delhi Police would make all endeavors to redeem themselves and restore the shaken confidence of this Court.

90. In the aforesaid light, I direct that after the registration of the individual FIRs in each of the cases at the Barakhamba Road Police Station, the investigation shall be undertaken under the supervision of the DCP concerned.

xxx xxx xxx”

2. Learned Senior Counsel for the petitioners submits that after the passing of the aforesaid judgment, the matter was taken up by the accused persons before the Supreme Court in *SLP (CRL.) 8277/2018*.

3. He submits that since the investigation was to be carried under the supervision of the Deputy Commissioner of Police (“DCP”), the respondent-EOW had earlier filed an application before the Supreme Court, wherein, they had sought permission to file chargesheet. He draws the attention of this Court to the application filed on behalf of the respondent-EOW, which is reproduced as under:

“

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (CRL) NO: 8277 OF 2018**

IN THE MATTER OF:

Today Homes & Infrastructure Pvt. Ltd

Petitioner

VERSUS

Harbans Lal Sarin and ors

Respondents

APPLICATION ON BEHALF OF THE RESPONDENT NO. 7 FOR
PERMISSION TO FILE CHARGE-SHEET
TO



HON'BLE THE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUDGES OF THE
HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE
PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. The captioned petition has been filed by the petitioner before this Hon'ble Court challenging the impugned final judgment and order dated 23.08.2018, passed by the Hon'ble High Court of Delhi at New Delhi.
2. It is submitted that present case relates to the complaints filed by the complainants/investors who had purchased units/shops in the multistoried building known as "North Gate Mall Orbit Plaza" developed by the petitioner's company situated in Gujrawa Town, Delhi.
3. It is further submitted 12 FIRs bearing FIR Nos. 103-108 of 2018 dated 27.08.2018, FIR Nos. 13 to 17 dated 04.02.2019 and FIR No. 40 of 2020 dated 25.05.2020 were registered with P.S. Barakhamba Road, New Delhi against the petitioner company and its official in terms of the judgment and order dated 23.08.2019 passed by the Hon'ble Delhi High Court. It is pertinent to mention that these cases were transferred to EOW of Delhi Police and presently pending with it.
4. The Petitioner had filed this Special Leave Petition (Crl) No. 8277 of 2018 being aggrieved by the Final Judgment and Order dated 23.08.2018, passed by the Hon'ble High Court of Delhi at New Delhi.
5. It is respectfully submitted that on 05.10.2018, this Hon'ble Court was pleased to pass following order:



“List on 22.10.2018

In the mean time, no coercive steps be taken”

True copy of order dated 05.10.2018 is annexed as Annexure R-1.

6. It is further submitted that the captioned petition came for hearing thereafter before this Hon’ble Court on various dates but was got adjourned and was lastly listed on 24.08.2022 and was again adjourned for four weeks. It is respectfully submitted that the captioned petition has not been listed thereafter for hearing before this Hon’ble Court.
7. It is further submitted that the investigation in all the FIRs has been completed without arresting the accused persons. However the charge sheet could not be filed in view of the interim order dated 05.10.2018 passed by this Hon’ble Court.
8. The present application is being filed seeking direction of this Hon’ble Court to submit the charge sheet in all FIRs before the competent Court as investigations has been completed.
9. The present application is bona fide and being filed in the interest of justice.

PRAYER

In view of the above it is therefore most respectfully prayed that this Hon’ble Court may be pleased to:

- (a) Permit the applicant to file the charge-sheet in the interest of justice;
- (b) Grant any such further relief as this Hon’ble Court may deem fit in interest of justice, equity and good conscience.

AND FOR SUCH ACT OF KINDNESS THE PETITIONER
SHALL EVER REMAIN GRATEFUL AS IN DUTY BOUND.



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Drawn by

RAJAN KUMAR CHOURASIA

Drawn On: /10/2022

Filed on: /10/2022 Advocate for the Respondent /Applicant

Filed By

(G.S. MAKKER)

”

4. He further draws the attention of this Court to the order dated 21st January, 2025, passed by the Supreme Court, wherein, the application filed on behalf of the respondent-EOW was allowed in the following manner:

“

List these matters again on 28.01.2025. These cases have been adjourned at the instance of the learned counsel for the petitioner(s).

I.A. No. 157947 of 2022 has been preferred by the State seeking permission to file the Police Report under Section 173(2) Cr.P.C. as the investigation is complete and the report is ready, but on account of interim order dated 05.10.2018 providing that no coercive steps may be taken, the police report has not been submitted.

I.A. No.157947 of 2022 is allowed. Let the Investigation Officer submitted the report, whereupon the concerned court will proceed in accordance to law.

”

5. This Court notes that the aforesaid petition was disposed of by the Supreme Court *vide* order dated 28th January, 2025, wherein, it was noted as follows:

“



These special leave petitions with the passage of time have been rendered infructuous.

List these matters again on 28.01.2025. These cases have been adjourned at the instance of the learned counsel for the petitioner(s).

I.A. No. 157947 of 2022 has been preferred by the State seeking permission to file the Police Report under Section 173(2) Cr.P.C. as the investigation is complete and the report is ready, but on account of interim order dated 05.10.2018 providing that no coercive steps may be taken, the police report has not been submitted.

I.A. No.157947 of 2022 is allowed. Let the Investigation Officer submitted the report, whereupon the concerned court will proceed in accordance to law.

”

6. Learned Senior Counsel for the petitioners submits that the present contempt petition has been occasioned as respondent-EOW has now filed a Closure Report and no Chargesheet has been filed against the accused persons.
7. Learned Senior Counsel for the petitioner submits that as long as the DCP of EOW was supervising the investigation, the respondent-EOW intended to file Chargesheet. However, instead a Closure Report has been filed, which is totally contrary to the earlier stand taken by the respondent-EOW, wherein, they intended to file Chargesheet.
8. He further submits that the Closure Report has not been filed under the Supervision of the DCP.
9. In response, learned counsel for the respondents-EOW, has handed



over to this Court the original file of the EOW.

10. This Court has perused the original file maintained by the EOW. Perusal of the said file clearly shows that the Closure Report has been filed and the same has been considered by the Joint Commissioner of Police/EOW, Special Commissioner of Police/EOW, Assistant Commissioner of Police/EOW (“ACP”), Deputy Commissioner of Police-II/EOW, including other investigating officers.

11. Perusal of the original file maintained by the EOW clearly shows that the Closure Report has been recommended and endorsed by the ACP and DCP.

12. Accordingly, it is evident that the investigation has been carried out under the supervision of the DCP.

13. This Court records the statement made by learned counsel for the respondents, on instructions from Sub-Inspector Mohit Malik, Investigating Officer in the present case, that the investigation has been duly carried out under the supervision of the DCP and other senior officers in terms of the judgment passed by this Court.

14. Accordingly, no merit is found in the present petitions.

15. The present petitions are accordingly dismissed.

16. Pending applications also stand disposed of.

MINI PUSHKARNA, J

SEPTEMBER 8, 2026/au