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

% ***Date of Decision: 28th November, 2024***

+ CONT.CAS(C) 1793/2024
M/S. SAT PRIYA MEHAMIA MEMORIAL EDUCATIONAL
TRUST & ANR.

.....Petitioners

Through: Mr. Manish Gupta with Ms. Deepti
Verma, Mr. Prateek Gupta, Mr.
Sanjay Mangal, Ms.Aakanchha
Jhunjhunwala, Mr. Pawan Arora,
Advocates.

versus

SAMRESH AGARWAL & ORS.Respondents

Through: Mr. Annirudh Sharma with Ms.Navya
Nanda, Advocates for respondent
No.1.
Mr. Apratim Animesh Thakur with
Mr. Lakshya Sachdeva, Ms. Ankita
Rawat and Ms. Varnika M.,
Advocates for respondent Nos.2 and
3.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioners are seeking initiation of contempt proceedings against respondents for violating the directions contained in order dated 03.04.2024 passed by learned Coordinate Bench of this Court in ARB.P. No.396/2024 and O.M.P. (I) (Comm.) 39/2024.

2. While disposing of the above said petitions, learned Single Judge of this Court observed as under:-

“29. It is made clear that interim order shall be vacated upon the deposit being made by the Respondents. Upon the deposit of



the entire amount of Rs.21.95 crores, the original title deeds shall be released to the Respondent No.1. Further, criminal complaints, if any, filed by the parties against each other shall also not be proceeded with.”

3. It is submitted by learned counsel for the petitioners that they were respondent No.1 in the above said petitions and have already deposited the entire amount of Rs.21.95 crores and have also received back the original Title Deed.
4. However, the grievance is with respect to the fact that the criminal complaints filed by the respondents herein are still being proceeded with.
5. Learned counsel for the petitioners submits that a criminal complaint under Section 138 of Negotiable Instrument Act, 1881 had been filed against him by respondent No.1 herein before the concerned Court of learned ACJM, Agra, Uttar Pradesh and despite the above said clear-cut directions appearing in the above said order, Sh. Samresh Aggawal, Chief Recovery Officer of *M/s Paisalo Digital Limited* is pursuing with the above said complaint. So much so, even coercive process has been issued against the petitioners herein in the above said criminal complaint.
6. Learned counsel for respondent No.1 herein submits that on the next date of hearing before the Court of learned ACJM, Agra, Uttar Pradesh, which is stated to be 02.12.2024, the requisite submission and appropriate request, in terms of said directions, shall be made before the above said Court.



7. Such statement is taken on record.
8. Learned counsel for the petitioners also submits that on the basis of one complaint made by the respondents/contemnors, FIR No.97/2024 dated 09.03.2024, PS Hari Parbat Thana, Agra had been registered and which is still being pursued with.
9. Learned counsel for respondent No.1 submits that the above said FIR had been registered prior to the above said order dated 03.04.2024 and the concerned Police officer had also been verbally apprised about the above development and, therefore, the respondents are not in defiance.
10. It is also informed that the petitioners herein have already filed a separate contempt petition before the Hon'ble Allahabad High Court, seeking initiation of contempt against the concerned Police Officer.
11. However, by way of abundant caution only, respondent No.1 undertakes to send communication in writing to the concerned SHO/Investigating Officer apprising him about the above said order in ARB.P. No.396/2024 and O.M.P. (I) (Comm.) 39/2024 within five days.
12. Sh. Anniruddh Sharma, learned counsel for respondent No.1, however, apprehends that despite the above said communication, if the Investigating Officer continues with the investigation, then respondent No.1 should not be hauled up for any contempt.



13. It is clarified that the onus upon respondent No.1 is merely to communicate the concerned SHO/IO about the above said order and specific directions, and nothing beyond.

14. In view of the above, nothing further survives in the present contempt petition.

15. The petition is, accordingly, disposed of.

(MANOJ JAIN)
JUDGE

NOVEMBER 28, 2024
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