

\$~1

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

+ CRL.M.C. 684/2021 & CRL.M.A. 11306/2021

HARVIR SINGH

..... Petitioner

Through: Mr. Mishal Johari, Advocate

versus

CENTRAL BUREAU OF INVESTIGATION AND ORS.

..... Respondents

Through: Mr. Prasanta Varma, SPP for CBI
with Mr. Hiteshi Kakkar and Mr.
Amrit Singh Khalsa, Advocates.
Mr. Harish Vaidhyanathan Shankar,
CGSC for respondent No.2.
Mr. Kusum Dhalla, APP for the State.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **29.09.2021**

HEARD THROUGH VIDEO CONFERENCING

CRL.M.As. 15663-64/2021 in CRL.M.C. 684/2021

1. Mr. Mishal Johri, learned counsel for the petitioner, seeks permission to withdraw the present applications with liberty to file fresh applications in CRL.M.C. 684/2021.

2. Permission, as prayed for, is granted.

3. The applications are dismissed as withdrawn.

CRL.M.C. 684/2021

1. The instant petition under Section 482 Cr.P.C has been filed with the following prayers:

"a) Allow the present Criminal Miscellaneous Petition.

b) Pass appropriate orders and direction to the respondent to conduct a proper and fair investigation by an officer not below the rank of Superintending of Police in the matter exposing the scandal of nexus among the accused persons and such other officials of corruption and registration of FIR No. RC0032020A0014 PS. CBI ACB Delhi for the offence under Section 120B r/w 420 IPC and Section 13(2) r/w 13(1)(d) of the Prevention of Corruption of Act.

c) Any other relief(s) be granted by the Hon'ble court as it may deem fit and proper in the said circumstances."

2. Notice was issued on 02.03.2021. Mr. Harish Vaidhyanathan Shankar, learned CGSC accepted notice on behalf of the respondent No.2/Union of India and Mr. Prashanta Varma, learned SPP, accepted notice on behalf of CBI. On 09.04.2021, further time was given to Mr. Harish Vaidhyanathan Shankar, learned CGSC, to file the status report and the case was adjourned to 27.04.2021. On 27.04.2021, the status report had not been filed and the matter was adjourned to 12.07.2021. On 12.07.2021, Mr. Harish Vaidhyanathan Shankar, learned CGSC stated that Ministry of Culture is the concerned Department and not the Ministry of Home and Ministry of Culture was directed to file the status report on or before 06.09.2021. On 06.09.2021, this Court expressed its anguish that the status report has not been filed despite the petition raises serious allegations against the Government Officers and an Officer not below the rank of Joint-Secretary, Ministry of Culture, was directed to join the proceedings to explain as to why the Status Report has not been filed so far.

3. Today, nobody from Ministry of Culture has joined the proceedings. This Court is aware of that it is not proper to summons Senior Officers to the Court. But at the same time the Government cannot show a lackadaisical

approach to the orders of the Court and disobey orders of this Court. In view of the fact that the orders of this Court are not being complied with and the status reports are not being filed in the petition where serious allegations have been made against the Government Department, the Secretary, Ministry of Culture, GoI, is directed to join the proceedings on the next date of hearing to explain as to why the status report has not been filed.

4. List on 26.10.2021.

SUBRAMONIUM PRASAD, J

SEPTEMBER 29, 2021

S. Zakir