



2026:DHC:7276



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

Reserved on: August 19, 2026

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Pronounced on: August 31, 2026

CNR No. DLHC010359082022

+ **CRL.M.C. 4767/2022**

STRIKER BEVERAGES PVT. LTD. & ANR.Petitioners

Through: Mr. Saurabh Seth, Mr. N. Dube, Mr.
Debdeep Banerjee, Mr. Abhiroop
Rathore and Mr. Kabir Dev,
Advocates

Versus

THE STATE OF NCT OF DELHI & ORS.Respondents

Through: Mr. Satish Kumar, APP with Mr.
Gourav Singh, Adv. with SI T Sang,
PS: Chanakyapuri

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. By virtue of the present petition under *Section 482* of the Code of Criminal Procedure, 1973 (*CrPC*), the petitioners seek quashing of FIR No.100/2019 dated 12.09.2019 registered at PS.: Chanakyapuri under Section 33 of the Delhi Excise Act, 2009 (*Excise Act*).

2. As per FIR, upon receipt of secret information regarding service of liquor without a valid licence at Soul Club, Hotel Ashoka, Chanakyapuri, New Delhi, a raid was conducted on 12.09.2019, which was hosting a soft launch party wherein around 40-50 persons were found partying as liquor was being served to them by the bartender. During search, huge quantities of used and empty liquor bottles, as also sealed/ packed liquor bottles, were



recovered and inventorised. Upon asking, Mr. Ankit Khilwani, claiming himself to be the owner of the said Club, failed to produce any valid licence to serve liquor. Thereafter, the owner Mr. Ankit Khilwani and manager Mr. Malay Kumar Rout, of the said Club were arrested on 12.09.2019, and thence produced before the learned MM, from where they were released on bail.

3. During investigation, they claimed that the petitioner no.1 had applied for *three* P-10A permits/ licences on 10.09.2019, which was evident from the Deputy Commissioner of Excise, Enforcement Wing, L-Block, Vikas Bhawan, I.T.O., New Delhi. In fact, it is apparent from the reply of the Excise Department that *three* online applications for P-10A permits/ licences were made on behalf of petitioner no.1 on 10.09.2019, *vide* application reference nos. (i) P10AR1009000119, for the event on 13.09.2019 at the premises of Soul Club, for 750 guests; (ii) P10AR1009000120, for the event on 14.09.2019 at the premises of Soul Club, for 750 guests; and (iii) P10AR1009000121, for the event on 14.09.2019 at the premises of SOHO Nation, for 1700 guests.

4. After completion of investigation, a chargesheet under *Section 33* of the Excise Act has been filed before the learned Trial Court on 31.03.2022.

5. Learned counsel for the petitioners submitted that the petitioner no.1 intended to apply for a daily liquor permit/ licence for *three* dates respectively, i.e. 11.09.2019, 13.09.2019, and 14.09.2019, however, on account of an inadvertent error, it applied once for 13.09.2019, and twice for 14.09.2019, while omitting to apply for a permit for 11.09.2019.

6. Learned counsel also submitted that despite holding a valid and subsisting yearly licence issued on 25.03.2019, which was valid upto



30.09.2019 in the name of SOHO Nation, the petitioner no.1 inadvertently ended up applying for a daily permit/ licence in the same name for 14.09.2019 as well. Thus, the absence of a valid permit/ licence for service of liquor, when the raid took place on 11.09.2019, was on account of an honest and *bona fide* mistake committed by the petitioner no.1.

7. Learned counsel then submitted that at the time of subsequently applying for L-16 and L-16F licences, pursuant to the order dated 03.06.2020 passed by the Deputy Commissioner/ Licensing Authority, the petitioners have already paid 50% penalty amounting to Rs.10,62,937/-.

8. In these circumstances, learned counsel for the petitioners urged for quashing of the present FIR.

9. *Per contra*, learned APP fairly submitted that though the petitioners *admittedly* did not have a valid license for serving liquor to their guests on the intervening night of 11-12.09.2019, however, he has no objection, if the present FIR is quashed.

10. Heard learned counsel for the petitioners and the learned APP as also perused the materials and pleadings on record.

11. As borne out from the records herein, in the raid conducted in the premises of petitioner no.1, liquor was found being served by the bartender to a gathering without a valid licence. However, it cannot be ignored that the petitioners already held a valid and subsisting permit/ licence for service of liquor in the name of SOHO Nation on 25.03.2019, which was valid upto 30.09.2019, as also that this is the first time that the petitioners have been involved in an alleged violation of the present kind. What entails therefrom is that there is sheer mistaken and inadvertent (*typographical*)



error on their part with no ulterior motive as they actually never missed out on applying for the valid license for the soft launch party on 11.09.2019.

12. Moreover, the petitioners have already paid 50% penalty amounting to Rs.10,62,937/- pursuant to the order dated 03.06.2020 passed by the Deputy Commissioner/ Licensing Authority, also shows their conduct.

13. In light of the aforesaid, as also, since the learned APP has given 'No *Objection*' for quashing of the present FIR, the present petition is allowed. Consequently, FIR No.100/2019 dated 12.09.2019 registered at PS.: Chanakyapuri under *Section 33* of the Excise Act, and all proceedings emanating therefrom, are hereby quashed, *albeit*, subject to the petitioners depositing cost of Rs.1,00,000/- (*Rupees One Lakh Only*) with the Delhi High Court Staff Welfare Fund [A/C 15530110074442; IFSC UCBA0001553] as also a further cost of Rs.1,00,000/- (*Rupees One Lakh Only*) with the Delhi High Court Bar Association Lawyers Social Security and Welfare Fund [A/C 155530100009730; IFSC UCBA0001553] within a period of *two weeks* from today.

14. The petitioners are directed to file receipt of deposit of such costs within a period of *one week* thereafter. If costs, as aforesaid, are not paid within the stipulated period, the Registry to list the matter before this Court.

15. As such, the present petition is disposed of in the aforesaid terms.

SAURABH BANERJEE, J.

AUGUST 31, 2026/So/DA