

Neutral Citation No. - 2025:AHC:77768-DB
Reserved on 5.5.2025
Delivered on 13.5.2025

Case :- CRIMINAL MISC. WRIT PETITION No. - 7605 of 2025

Petitioner :- Satinder Singh Bhasin

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Aditya Yadav, Shivam Yadav

Counsel for Respondent :- G.A., Pankaj Kumar Shukla, Raghav Dwivedi, Sunil Kumar Dubey

Hon'ble Siddharth, J.

Hon'ble Ram Manohar Narayan Mishra, J.

(Judgement delivered by Hon'ble Siddharth, J.)

1. Heard Sri Anoop Trivedi, learned senior counsel assisted by Sri Shivam Yadav, learned counsel for the petitioner, Sri Paritosh Malviya and Mrs. Manju Thakur, learned A.G.A.-I for respondent nos. 1, 2 and 3 and Sri G.S. Chaturvedi, learned senior counsel assisted by Sri Raghav Dwivedi and Sri Pankaj Kumar Shukla, learned counsel for respondent no. 4.

2. The above noted writ petition has been filed praying for the following reliefs:-

I. Issue a writ, order, or direction in the nature of certiorari to quash the impugned First Information Report dated 18.02.2025 bearing Case Crime No.74 of 2025, under Sections 303(2), 331, 334, 316(2), 331(6), 317(2), 109, 305, And 326 of Bhartiya Nyaya Sanhita of 2023, Police Station Beta-2, District Gautam Buddh Nagar.

ii. Issue a writ, order, or direction in the nature of mandamus restraining the respondents from taking any coercive action, including arrest, against the petitioner pursuant to the impugned F.I.R. dated 18.02.2025.

iii. Pass any other or further order(s) as this Hon'ble Court may deem fit

and proper in the facts and circumstances of the case, to secure the ends of justice.

iv. Award the cost of this petition in favour of the petitioner.

3. FIR sought to be quashed is as under:-

“The Station House Officer Beta-il, Police Station, Greater Noida, Gautam Buddh Nagar, UP. 201308 SUBJECT: COMPLAINT AGAINST ACCUSED MR. SATINDER SINGH BHASIN, MR. HARPREET SINGH CHHABRA (SUSPENDED DIRECTOR OF BIIPL) MR. AJAY DHAWAN, MR. SHOKET KHAN AND OTHER UNKNOWN ACCUSED PERSONS FOR COMMITTING GRAVE COGNIZABLE OFFENCES OF TRESPASSING, MISBEHAVIOR, MISCHIEF, VANDALISM, THEFT AND CRIMINAL BREACH OF TRUST, UNDER SECTION 324,329 331, 334 AND 316 OF THE BHARATIYA NYAYA SANHITA. 2023.

Respected Sir, I Sushil Kaushik, working in the capacity of Dept. Manager-Legal and authorized signatory of, DS Chewing Products LLP, wish to formally lodge a complaint regarding an incident of trespassing, misbehavior, vandalism, theft, as well as damage to the property at Grand Venice Mall, operated by Bhasin Infotech and Infrastructure Private Limited (BIIPL), of which the DS Chewing Products LLP is the majority shareholder. The present complaint is made against Mr. Satinder Singh Bhasin, Mr. Harpreet Singh Chhabra, MR. Ajay Dhawan, and Mr. Shoket Khan (the Accused Persons). At the outset, it is stated that BIIPL is a private limited company currently undergoing the Corporate Insolvency Resolution Process by virtue of an order dated 04.12.2023, passed by the National Company Law Tribunal, Delhi, Principal Bench, in Company Petition IB (IBC) NO. 646/PB/2021 (hereinafter referred to as the Said Order). It is pertinent to note that by virtue of the said order, the management of BIIPL has been suspended, and the company is currently under the custody of an Interim Resolution Professional, namely Mr. Mukesh Gupta, in accordance with the Insolvency and Bankruptcy Code, 2016. It is further stated that the said order was challenged before the Honble NCLAT, and by way of the order 07th December 2023, the NCLAT has directed that no further steps be taken in pursuance of order dated 04th December 2023. It is imperative to mention herein that even on 08th February 2025, the Accused, Mr. Satinder Singh Bhasin along with several other persons, entered the mall premises, vandalized the office in the mall premises and assaulted the employee and staff members and took control of the mall, which is against law and they having no authority to do so. They entered the

CCTV control room and server room, where they tampered with the Jarvis security system and completely shut it down. Additionally, they forcefully broke open several drawers and lockers belonging to leasing, marketing, accounts, and other departments. During this unlawful entry, they seized and removed approximately five to six office personal laptops and around 100 official files, all of which to our knowledge are still being kept inside the mall office under their control. The accused illegally took the data and records of BIPL in his possession. This incident was reported to the police authority by contacting the police emergency number (112). It is imperative to mention that the Complaint Company only has supervisory records and no financial and secretarial records. Now the accused continuing with his malicious actions once again stormed into the mall premises on 16th February 2025. I was informed by the Security Manager, Mr. Kamal Singh present at Grand Venice Mall premises (BIPL), that the Accused, Mr. Satinder Singh Bhasin (Suspended Director BIPL), forcefully stormed into the mall premises at around 3-4:00PM and broke open the record room locks and doors at the office area of Grand Venice Mall and stole the valuable documents including files containing confidential information of stakeholders and homebuyers and cash belonging to BIPL and took away the said valuable documents and cash in the Car bearing No. DLIR 2650. The Accused, after taking illegal possession of laptops and documents on 08th February 2025, once again undertook similar malicious acts on 16th February 2025 by taking away the official records and data of BIPL for his illicit benefits. It is pertinent to note that by virtue of the order dated 04th December 2023 passed by the NCLT and order dated 7th December 2023, the IRP Mr. Mukesh Gupta is duty bound to look after the affairs of the BIPL Company and the Accused person Mr. Satinder Singh Bhasin stands suspended as the Director. Despite the said fact, Mr. Satinder Singh Bhasin has now resorted to criminal activities demonstrated herein above, in order to tamper with the evidences which can be used against him the Court of Law and in order to oust the majority shareholder DS Chewing Products LLP in BIPL and also to dilute the case of the homebuyers and investors of BIPL I would further like to bring to your attention another malicious act of the Accused, wherein the Accused has, in violation of the order of the Honble NCLAT dated 07th December 2023, has attempted to transfer the ownership of units available at the Grand Venice Mall to an entity - Grand Express Developers Private Limited. The Accused has pasted posters/stickers outside the units of Grand Venice Mall, which states owned by Grand Express Developers Private Limited. It is to mention that Grand Express Developers Private Limited is a related company of Mr. Satinder Singh Bhasin. It is pertinent to note that since BIPL is currently

under the Corporate Insolvency Resolution Process within the framework of the insolvency and Bankruptcy Code, the books, record, data, and laptops of BIPL... now in the possession of Mr. Satinder Singh Bhasin, contain sensitive information that can be misused by the accused. This is done to destroy the evidence and plant false evidence and other acts best known and with malafide intention of the accused. This could be detrimental not only to the interests of BIPL but also to its majority shareholder i.e. DS Chewing Products LLP. It is also pertinent to mention that DS Chewing Products LLP made investment into BIPL (now being the largest shareholder with other entities) upon the request of Mr. Satinder Singh Bhasin. However, owing to the criminal antecedents of Mr. Satinder Singh Bhasin, DS Chewing stayed away from acquiring a board seat in the Board of Directors of BIPL. Mr. Satinder Singh Bhasin took advantage of the absence of any board member of DS Chewing on the board of BIPL, and undertook fraudulent transactions for his own illegal gains, thereby causing loss and grave prejudice to the company, its investors and eventually getting BIPL admitted to CIRP. Now, these illegal actions of the Accused are increasing day by day to oust the investors, shareholder and homebuyers. The Accused has resorted to activities of stealing important document in the possession of the company, forging and fabricating documents for his illegal gains. It is further submitted that Mr. Satinder Singh Bhasin, being a director of BIPL, had a fiduciary relationship towards the company, its investors/shareholders and homebuyers. However, the same has been miserably breached by Mr. Satinder Singh Bhasin, the Accused, thereby committing the offence of criminal breach of trust and misuse of direction of the Court. Thus, based on the aforementioned facts, it is evident that the accused persons have committed cognizable offences under Sections 324, 303, 334, 331 and 316 of the Bharatiya Nyaya Sanhita 2023.¹ request your good office to immediately Intervene by lodging an FIR and take strict action against the accused persons. I am willing to cooperate and provide any necessary information or evidence to assist in the investigation. Thank you. Yours sincerely, Kaushik Sushil Kaushik Dept. Manager-Legal Authorised Signatory DS Chewing Products LLP Enclosed: 1. Photos of the damaged record room 2. Vehicle bearing No. DL 1LR2650 used for carrying out the theft. 3. Receipt of messages, acknowledging the call by the Complainant to the Police authorities at 112. 4. Photos of posters/ stickers pasted outside the units of Grand Venice Mall.”

4. Learned counsel for the petitioner has submitted that:-

(i) Petitioner herein is a law-abiding citizen of India and an erstwhile director of Bhasin Infotech and Infrastructure Pvt. Ltd. (BI IPL). He had been actively involved in the development, operation, and management of the Grand Venice Project in Greater Noida since 2006 until 07.03.25, having lawfully been allotted the leasehold plot from UPSIDA for the said project. The present FIR emanates from an ongoing dispute between the DS Chewing Products LLP and the petitioner with respect to the management and operation of the mall, which is being run under the name and style of "Grand Venice Mall". However, the FIR in question is nothing but an outcome of a personal vendetta of M/s D.S. Group against the petitioner. On the face of it, the FIR contains some extremely bizarre and preposterous allegations, which on the face of it, are devoid of any merit.

(ii) The petitioner is a reputed businessman and has never indulged in any kind of criminal act whatsoever, including trespass, vandalism, theft, etc., which essentially is the substratum of the allegations levelled against him in the impugned FIR bearing Case Crime No.74 of 2025. The accusations made in the FIR are an afterthought of the complainant therein (which basically is the D.S. Group) to pressurize the petitioner to give in to the illegal demands of Mr. Rajiv Gupta and Mr. Rajesh Gupta, the principal promoters/directors of the D.S. Group.

(iii) As the promoter/director of Bhasin Infotech and Infrastructure Pvt. Ltd., the petitioner had acquired the land for the Grand Venice Project from UPSIDA in 2006 and, ever since, he has been overseeing its development, construction, leasing, sales, marketing, finance, legal, and

operational functions. However, later on, on account of the inability of UPSIDA to come forward and get the registration of the units of allottees done, despite repeated requests having been made by the petitioner, certain disputes had arisen and the allottees approached the NCLT against Bhasin Infotech and Infrastructure Pvt. Ltd. for invoking insolvency proceedings.

(iv) The DS Chewing Products LLP, which is a shareholder of Bhasin Infotech and Infrastructure Pvt. Ltd., has now started creating disputes over the management of the project inasmuch as the petitioner was subjected to immense torture and harassment at the hands of DS Chewing Products LLP in connivance with the U.P. Police.

(v) On 16.02.25 (Sunday), at about 4:30 PM, while the petitioner, Satinder Singh Bhasin, was supervising the operations of Grand Venice Mall, he was first illegally detained in the present case by the SHO of Beta-2 Police Station and his team, comprising about four police officials, without there being any FIR or arrest warrant. The police officials forcibly pushed the applicant, dragged him from his office situated in the basement of the Grand Venice Mall, and shoved him into their official Mahindra SUV car 510 bearing No. UP 32 EG 8207, accompanied by another Mahindra SUV car bearing No. UP 16 DQ 5380. The entire scene of manhandling and force being inflicted on the applicant is duly recorded and evidenced in the CCTV installed at the scene.

(vi) In the aforesaid background, it is worth mentioning that, anticipating a false complaint/allegation by the D.S. Group, Satinder Singh Bhasin, had given prior intimation regarding the management changes in Grand Venice Mall to the SHO, DCP, and Commissioner of Police, Gautam Budh Nagar, Uttar Pradesh, duly sent via email and speed post. Thereafter, even a police officer had visited the site and left after satisfying himself about the situation. Despite this, the respondents acted arbitrarily, illegally, and in clear abuse of their authority.

(vii) Thereafter, on 18.05.2025, the petitioner, Satinder Singh Bhasin, was again apprehended by a team of police officials in the present case at about 12:35 PM on the main road opposite the gate of Shivaji Stadium, in front of the parking management system department, New Delhi Municipal Council Shivaji Stadium booth, Connaught Place, New Delhi, without any warrant of arrest or providing any ground and reason for arrest in writing to him.

(viii) The said arrest was made in the absence of any FIR having been registered against the petitioner. The said fact is clearly borne out from the orders dated 19.02.2025, 20.02.2025, and 12.03.2025 passed in W.P. (Crl) 598/25. The directives issued by the Hon'ble Delhi High Court regarding interstate arrests were not adhered to, as the local police were not informed prior to the arrest. The Delhi Police was only informed at 7:42 PM, despite the fact that the petitioner was abducted at 12:35 PM. Furthermore, Manu Marwah, the driver of the petitioner, lodged a complaint with the PCR at 2:19 PM, reporting the abduction. Subsequently, an FIR was registered at 2:43 PM. However, the official

time of arrest was recorded as 5:40 PM from Noida, whereas the petitioner was actually picked up from Delhi at around 12:30 PM. This clear discrepancy in the timeline raises serious concerns regarding procedural lapses and the violation of established legal safeguards.

(ix) Simultaneously, in order to prejudice the case of the petitioner, the DS Chewing Products LLP has been filing various applications before the NCLAT to restrain him from continuing to undertake the operations and management of the company as a director and hence, vide a clarification given by the NCLAT, it was only on 07.03.2025 that the petitioner ceased to be the director of the company, although considering the case to be an exceptional one, the NCLAT still allowed the petitioner to represent the company in a civil writ pendings before the Hon'ble High Court of Judicature at Allahabad.

(xi) From the aforesaid facts and circumstances, it is amply clear that the present FIR is absolutely false and motivated in order to implicate the petitioner in the aforesaid FIR and further pressurize him to oust him from the Grand Venice Mall, despite the matter being sub-judice before the NCLAT.

(x) The fact that the present FIR is motivated is palpable from the fact that the allegations mentioned in the FIR pertain to an incident of vandalism, criminal breach of trust, trespass, mischief, and theft in Grand Venice Mall, which is a project launched and constructed by the petitioner himself and remained under his supervision until 07.03.2025. Therefore, the said accusations on the face of it are baseless and false

and do not make out any prima facie offence, much less an offence of trespass and other related offences, as it is legally untenable.

(xii) A person cannot be held liable for an offence of trespass in a property which he is already enjoying or is in Possession of. Furthermore, the allegations of vandalism, theft, etc., on the face of it, are misconceived and unfathomable as it is difficult to decipher how and why the petitioner would commit an act of vandalism in a property in which he is running affairs.

(xiii) The allegation of firing bullets from a gun inside the mall with an intent to kill is also absolutely absurd, as the said allegation does not find any mention whatsoever in the FIR and was levelled for the first time only in the remand application moved by the investigating officer before the Court of C.J.M., Gautam Budh Nagar, in order to falsely implicate the petitioner in an offence carrying an imprisonment of more than seven years, to wriggle out of the embargo on arrest in offences of less than seven years of imprisonment, only to justify the detention/arrest. petitioner's illegal. However, the remand was dismissed, relying on the order dated 06.07.2021 passed by the Hon'ble Apex Court in Writ Petition (Criminal) No.197 of 2021, wherein it has been specifically stated that no FIR will be lodged against the petitioner without prior permission of the Hon'ble Apex Court.

((xiv) It is also preposterous to allege that the petitioner would fire bullets in his own mall or engage in criminal acts inside a project that he has built and controlled. Furthermore, no bullet has been seized from the

spot, nor has any gun been recovered to even make out a prima facie case under Section 109 BNS, 2023 qua the petitioner. Section 109 and Section 331(6) of the BNS were added for the first time at the stage of seeking remand of the petitioner, and the invocation of these sections at a later stage is nothing but an afterthought, and prima facie no case is made out against the petitioner under any of the sections for the following reasons. Firstly, insofar as Section 331(6) BNS is concerned, the requirement of Section 331(6) of the BNS is that the trespass or housebreaking should have occurred after sunset; however, as per the FIR, the incident took place in the afternoon. Further, insofar as Section 109 BNS is concerned, there is not even a whisper of any allegation in the complaint that any gunfire was shot or that the applicant was seen carrying a gun. No gun has been recovered from either the spot or any of the accused persons to justify such a bald and motivated allegation, which was levelled much after the registration of the FIR and hence tantamount to embellishment in the case of the prosecution. Therefore, Sections 331(6) and 109 BNS have subsequently been added only to wriggle out of the mandatory requirement of serving a notice under Section 41A, as mandated under the law, and to justify the sudden and illegal arrest of the petitioner. Therefore, in view of the aforesaid facts and circumstances, no case under Sections 109 and 331(6) of the BNS is made out qua the petitioner, and the invocation of these sections after registration of the FIR is absolutely motivated and mala fide.

(xv) Prayer in the writ petition is for quashing the impugned FIR on the ground that the factual allegations made therein are absolutely false and

the incident as alleged never took place. Reliance has been made on the orders of Hon'ble Delhi High Court passed in habeas corpus petition filed by the petitioner before the Delhi High Court wherein Delhi High Court found that the petitioner was taken into custody by police of Gautam Budh Nagar, even before the FIR was lodged and taken to Gautam Budh Nagar and subsequently released.

5. Learned Senior Counsel for the informant, Sri G.S. Chaturvedi, first of all has raised preliminary objection that writ petition has been preferred through power of attorney holder of petitioner, but authority letter annexed with the writ petition does not contains any recital as to for filing which case attorney has been authorized. The particulars of the case being filed in authority letter are blank. He has further submitted that attorney has not been authorized to file this case by the petitioner.

6. Learned counsel for the petitioner has replied to the aforesaid submissions and has submitted that writ petition has been filed by the petitioner himself and only affidavit of Mukesh Bhatt, the attorney, has been filed in support of the writ petition claiming himself to be authorized signatory of the petitioner. Learned counsel for the petitioner has pointed out that as per Chapter IV, Rule X of the Rules of this Court, any person conversant with facts of the case can file affidavit in support of the writ petition.

7. This Court finds force in the submission of learned counsel for the petitioner and preliminary objection raised by learned Senior Counsel for

the informant is overruled. Writ petition is held to have filed as per the provisions of the Rules of Court noted above.

8. Learned AGA has pointed out that the petitioner has long criminal history of 190 cases as under:-

*अभियुक्त का आपराधिक इतिहास-

01. नु०अ०सं० 353/15 धारा 406,420 पादवि थाना बीटा- गौतमबुद्धनगर
02. मु०अ०सं० 544/17 धारा 389,406,420,467,468,471,504,506 भादवि थाना बीटा- गौतमबुद्धनगर
03. मु०अ०सं० 1016/17 धारा 406,420 भादवि बाना पीटा 2 गौतमबुद्धनगर
04. मु०अ०सं० 117/18 धारा 406 भादवि थाना बीटा-2 गौतमबुद्धनगर
05. मु०अ०सं० 277/18 धारा 406,420,467,468,471 भादवि थाना बीटा-2 गौतमबुद्धनगर
06. मु०अ०सं० 361/18 धारा 406,420 भादवि थाना बीटा-2 गौतमबुद्धनगर
07. मु०अ०सं० 668/18 धारा 323,406,420 भादवि थाना बीटा 2 गौतमबुद्धनगरे
08. मु०अ०सं० 813/18 धारा 120 बी, 406,420,467,468,471,504,506, भादवि थाना बीटा-2 गौतमबुद्धनगर
09. मु०अ०सं० 814/18 धारा 120 बी, 406, 420,467,468,471,504,506, भादवि थाना बीटा-2 गौतमबुद्धनगर
10. मु०अ०सं० 815/18 धारा 120 बी, 406, 420,467,468,471,504,506, भादवि थाना बीटा-2 गौतमबुद्धनगर
11. मु०अ०सं० 1066/18 धारा 406,420 भादवि थाना बीटा-2 गौतमबुद्धनगर
12. मु०अ०सं० 140/19 धारा 406,420,467,468,471 भादवि थाना बीटा-2 गौतमबुद्धनगर
13. मु०अ०सं० 173/19 धारा 406,420 भादवि थाना बीटा-2 गौतमबुद्धनगर
14. मु०अ०सं० 185/19 धारा 406,420 भादवि थाना बीटा-2 गौतमबुद्धनगर
15. मु०अ०सं० 244/19 धारा 120 बी, 406, 420,467,468,471,504,506, भादवि थाना बीटा-2 गौतमबुद्धनगर
16. मु०अ०सं० 0245/19 धारा 120 बी, 406,420,467,468,471,504,506, भादवि थाना बीटा-2 गौतमबुद्धनगर
17. मु०अ०सं० 246/19 धारा 120 बी, 406,420,467,468,471,504,506, भादवि थाना बीटा-2 गौतमबुद्धनगर
18. मु०अ०सं० 0247/19 धारा 120 बी, 406,420,467,468,471,504,506, भादवि थाना बीटा-2 गौतमबुद्धनगर
19. मु०अ०सं० 248/19 धारा 120 बी, 406,420,467,468,471,504,506, भादवि थाना बीटा-2 गौतमबुद्धनगर
20. मु०अ०सं० 249/19 धारा 120 बी, 406,420,467,468,471,504,506, भादवि थाना बीटा-2 गौतमबुद्धनगर
21. मु०अ०सं० 250/19 धारा 120 बी, 406,420,467,468,471,504,506, भादवि थाना बीटा 2 गौतमबुद्धनगर

- 13 of 21

- 14 of 21

- 15 of 21

- 16 of 21

157. मु0 अ0 सं0 1859/19 धारा 420,406,467,468,471 भादवि थाना सूरजपुर गौतमबुद्धनगर
158. मु0 अ0 सं0 1532/15 धारा 419,420,406,4667,468,471 भादवि थाना सेक्टर 20 गौतमबुद्धनगर
159. मु०अ०सं० 980/20 धारा 420,406 भादवि थाना सैक्टर 20 गौतमबुद्धनगर
160. मु0 अ0 सं0 119/20 धारा 420, 406,467,468,467 भादवि, थाना सैक्टर 20 गौतमबुद्धनगर
161. मु0 अ0 सं0 12/23 धारा 420, 406,467,468,467 भादवि, थाना सैक्टर 142 गौतमबुद्धनगर
162. मु0 अ0 सं0 147/21 धारा 420, 406,467,468,467 भादवि, थाना सैक्टर 24 गौतमबुद्धनगर
163. मु0 अ0 सं0 428/23 धारा 420,406,504,506 भादवि, थाना फेस-1 गौतमबुद्धनगर
164. मु0 अ0 सं0 427/19 धारा 420,406,467,468,471 भादवि थाना नालेजपार्क गौतमबुद्धनगर
165. मु0 अ0 सं0 739/19 धारा 420, 406,467,468,467 भादवि, थाना मोदीनगर गाजियाबाद
166. मु0 अ0 सं0 884/20 धारा 420, 406,467,468,467 भादवि, थाना मोदीनगर गाजियाबाद
167. मु0 अ0 सं0 947/20 धारा 420, 406,467,468,467 भादवि, थाना सिहानीगेट गाजियाबाद
168. मु0 अ0 सं0 992/20 धारा 420, 406,467,468,467 भादवि, थाना सिहानीगेट गाजियाबाद
169. मु0 अ0 सं0 1153/20 धारा 420, 406,467,468,467 भादवि, थाना सिहानीगेट गाजियाबाद
170. मु0 अ0 सं0 283/20 धारा 420, 406,467,468,467 भादवि, थाना कोतवालीनगर बुलन्दशहर
171. मु0 अ0 सं0 570/19 धारा 420, 406,467,468,467 भादवि, थाना कोतवालीनगर बुलन्दशहर
172. मु0 अ0 सं0 1496/20 धारा 420, 406,467,468,467 भादवि, थाना कोतवालीनगर बुलन्दशहर
173. मु0 अ0 सं0 1638/20 धारा 420, 406,467,468,467 भादवि, थाना कोतवालीनगर बुलन्दशहर
174. मु0 अ0 सं0 115/21 धारा 420, 406,467,468,467 भादवि, थाना कोतवालीनगर बुलन्दशहर
175. मु0 अ0 सं0 450/21 धारा 420, 406,467,468,467 भादवि, थाना कोतवालीनगर बुलन्दशहर
176. मु0 अ0 सं0 292/19 धारा 420, 406,467,468,467 भादवि, थाना बन्नादेवी अलीगढ
177. मु0 अ0 सं0 393/19 धारा 420, 406,467,468,467 भादवि, थाना बन्नादेवी अलीगढ
178. मु0 अ0 सं0 575/19 धारा 420, 406,467,468,467 भादवि, थाना सरधना मेरठ
179. मु0 अ0 सं0 492/21 धारा 420, 406,467,468 467 भादवि थाना सरधना मेरठ
180. मु0 अ0 सं0 913/20 धारा 420, 406,467,468,467 भादवि थाना बढ़ौत बागपत
181. मु0 अ0 सं0 72/21 धारा 420, 406,467,468,467 भादवि थाना शाहपुर मुजफ्फरनगर

182. मु0 अ 0 सं0 233/19 धारा 420, 406,467,468,467 भादवि, थाना बरेली कंट बरेली
183. मु0 अ 0 सं 0 98/19 धारा 420, 406,467,468,467 भादवि, कमिश्नरेट लखनऊ
184. मु0 अ 0 सं0 797/20 धारा 420, 406,467,468,467 भादवि, थाना कोतवाली नगर
विजनौर
185. मु0 अ 0 सं 0 254/18 धारा 420,406 भादवि थाना न्यू आगरा जिला आगरा
186. मु0 अ 0 सं 0 38/2018 धारा दिनांक 07.03.2018 सम्बन्धित थाना EOW, दिल्ली
187. मु0 अ 0 सं0 26/2018 धारा दिनांक 20.02.2018 सम्बन्धित थाना पार्लियामेंट स्ट्रीट
188. मु0 अ 0 सं0 313/2020 धारा दिनांक 30.06.2020 सम्बन्धित थाना पटेल नगर
189. मु0 अ 0 सं 0 114/2016 धारा दिनांक 01.06.2016 सम्बन्धित थाना पार्लियामेंट स्ट्रीट
190. मु0 अ 0 सं0 135/2019 धारा दिनांक 22.07.2019 सम्बन्धित थाना EOW, दिल्ली.”

9. After hearing learned counsel for the parties and going through the record, we find that prayer in the writ petition is for quashing of the impugned FIR dated 18.2.2025 on the basis of factual and legal grounds pleaded/submitted before us by learned counsel for the petitioner. Learned counsel for the informant has disputed the factual submissions made by learned counsel for the petitioner on the basis of certain documents on record and also not on record but placed before this Court.

10. It is settled law that an FIR can always be challenged and quashed under Article 226 of the Constitution of India, but it is not a general rule. High Court can exercise its power of quashing the FIR firstly if the allegations in the FIR do not prima facie constitute any offence. Secondly, where the allegations are frivolous or vexatious or the FIR appears to have been filed with malicious intent or to harass the accused. Thirdly, where it is found that there is lack of jurisdiction on a place, where FIR has been lodged. Fourthly, where from the allegations on record legal infirmity is found from bare reading of FIR itself with regard to the nature of offences alleged. It can lastly be quashed, if it

does not disclose commission of any criminal offence but only civil dispute. Where disputed questions of fact are involved and are required to be investigated by the police, FIR can not be quashed.

11. Apex Court in the case of ***State of Haryana and others Vs. Ch. Bhajan Lal and others, AIR 1992 SC 604*** has laid down the conditions that may be considered by the High Court for quashing the criminal proceedings in paragraph no.108 quoted hereinbelow:-

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under [Article 226](#) or the inherent powers under [Section 482](#) of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

- (1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.
- (2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under [Section 156\(1\)](#) of the Code except under an order of a Magistrate within the purview of [Section 155\(2\)](#) of the Code.
- (3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.
- (4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under [Section 155\(2\)](#) of the Code.
- (5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code on the concerned Act (under which a criminal proceeding is instituted to the institution and continuance of the proceedings and or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/ or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

12. On the touch stone of the above guidelines of the Apex Court, the case of the petitioner is not covered under first and second guidelines since if the allegations made in the FIR are accepted on their face value and accepted in their entirety, they clearly make out the offences alleged.

13. Regarding third guideline we find that only if the uncontroverted allegations in the FIR are considered, they disclose the commission of offences alleged and make out a case against the accused. Hence FIR in dispute cannot be quashed on this account.

14. Regarding forth guideline it is clear that the FIR discloses commission of cognizable offence and therefore investigation is required to be done by the police officer into allegations.

15 Regarding fifth guideline, the allegations made in the FIR on the face of it do not sound to be absurd or improbable even if it is accepted that it was the applicant, who constructed the mall and would not commit the offence alleged, keeping in view the fact that there is dispute between the parties pending before the NCLAT.

16. Regarding sixth guideline, there is no legal bar pointed out by the learned counsel for the petitioner under which criminal proceedings against the petitioner would be barred.

17. Finally under the last guideline, the proceedings cannot be said to be maliciously instituted with an ulterior motive for wreaking vengeance on the petitioner due to any private and personal grudge because there is dispute regarding directorship of the company in dispute with regard to the petitioner and it is engaging the attention of the competent forum.

18. Number of disputes are pending before different forums and this High Court between the parties and in the meantime, FIR has been lodged, on a different cause of action. Allegations have been made regarding commission of offences when Interim Resolution Professional (IRP) was appointed. Whether IRP has taken control of the assets of the company in dispute or not is also a contentious issues raised before us which we need not decide in the present proceedings.

19. Taking into account totality of facts and circumstances of this case, we are of the opinion that the allegations made in the FIR in dispute require investigation by the police and there is no ground made out for quashing of the same.

20. Petitioner is not entitled to any reliefs prayed in the writ petition.

21. This writ petition is devoid of merit and is hereby **dismissed**.

Order Date :- 13.5.2025
Ruchi Agrahari

(Ram Manohar Narayan Mishra,J.)

(Siddharth, J.)