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

+ W.P.(CRL) 2166/2024, CRL.M.A. 21123/2024 & CRL.M.A.
21124/2024

M/S NIVEDAN FIN INVESTMENT LEASE LIMITED

.....Petitioner

Through: Mr Rajiv Mohan, Mr. Sandeep
Chaudhary, Mr. Swapnil Krishna &
Mr. Shivender Gupta, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Rahul Tyagi, ASC (Crl.) with
Mr. Sarthak Chaudhary, Mr.
Himanshu, Ms. Seerat Fatima, Mr.
Muzzaquir Hussain, Mr. Naseem
Tarbex, Mr. Saleem Hussain & Mr.
Vaibhav Kashyap, Advs.
Insp. Sachin Yadav

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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22.07.2024

1. This petition is filed for quashing notice dated 5th July 2024 issued by the State under Section 175 Cr.P.C for conducting an enquiry into allegation made by the complainant.
2. Counsel for petitioner points out that they are licensed NBFC regulated by Reserve Bank of India. They had provided a loan of Rs.1 crore for one year to the complainant, which was not returned. A cheque had been issued by the complainant towards repayment of loan, which got dishonoured against which proceedings under Section 138 NI Act are pending. Thereafter, a settlement was arrived at between the parties with respect to the interest amount which was duly complied with by the complainant.



However, the principal amount of Rs.1 crore remains outstanding.

3. Insolvency proceedings have been initiated against the complainant before the National Company Law Tribunal at Prayagraj, which is proceeding ahead and is now listed on 24th July 2024, for final disposal.

4. In the meantime, pursuant to this complaint, notice has been issued to the petitioner requesting for some documents from it.

5. Mr. Rahul Tyagi, ASC for the State submits that only Sr. Nos. 2, 3 and 4, in the said notice, are requested from petitioner to which they cannot have any issue. These are *“company Policy regarding rate of interest; compliances submitted to RBI; customer ledger statement regarding repayment”*.

6. Counsel for petitioner has an issue relating to wording in the notice which says that *‘complaint has been filed against your firm regarding malpractice in respect of rate of interest by your firm’*.

7. It is obvious that the notice is based on a mere allegation at this stage by the complainant and there is no finding of malpractice. Besides these documents are, in principle, necessary for the investigating agency to understand the basis of the complaint and are not confidential documents and must be supplied to the investigating agency.

8. At request of counsel for petitioner, considering that this is company information, ASC states that they shall not disclose the information to the complainant without first informing the petitioner.

9. Accordingly, this petition stands disposed of along with pending applications.

10. No further directions are required to be passed at this stage.

11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JULY 22, 2024/sm