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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3587/2024 and CRL.M.A. 34357/2024**

PARVESH KUMAR & ANR.

.....Petitioners

Through: Mr. Naman Aggarwal, Mr. Gaurav Aggarwal, Mr. Rishabh Chaudhary and Mr. Vishnu, Advocates.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Amol Sinha, ASC for the State along with Mr. Kshitiz Garg, Mr. Ashvini Kumar and Ms. Chavi Lazarus, Advocates with SI Anil, P.S.: Lahori Gate, Delhi.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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18.11.2024

CRL.M.A. 34358/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed of.

W.P.(CRL) 3587/2024

By way of the present petition filed under Article 226 of the Constitution of India read with section 528 of Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioners seek cancellation and quashing of 'notices to join enquiry' dated 13.09.2024, 15.10.2024, 28.10.2024, and 03.11.2024 issued by P.S.: Lahori Gate, Delhi in Complaint bearing No. LC-212 dated 08.04.2024.



2. Learned counsel appearing for the petitioners submits that the notices have been issued at the behest and instance of the SHO, P.S.: Lahori Gate, Delhi in relation to what is purely a civil loan dispute between the respondent No.2/complainant and one Sunil Gupta, in which the petitioners are alleged to have been acted as guarantors.
3. Counsel submits that exceeding the powers conferred upon him under the BNSS, and by stepping into the domain of a civil dispute when no cognizable offence is disclosed, the concerned S.H.O. has issued the impugned notices in an illegal effort to help the complainant recover money; in which process the police have also recorded undertakings and other similar commitments from the petitioners, which action is completely unwarranted and untenable in law.
4. Mr. Ashwini Kumar, learned counsel is present on behalf of Mr. Amol Sinha, learned ASC (Criminal) for the State. On instructions of the Enquiry Officer ('E.O. '), S.I. Anil Khatana from P.S. Lahori Gate, counsel submits that on the basis of the oral responses given by the petitioners to the subject notices, the E.O. proposes to close the preliminary enquiry against the petitioners and does not propose to take any further action against them, since no cognizable offence is disclosed in the matter.
5. The statement made by the E.O. who is present in court is taken on record.
6. In the circumstances, and in view of the statement made by the E.O., learned counsel for the petitioners states that he does not wish to press the present petition.



7. The petition is accordingly disposed-of in view of the statements made by the Enquiry Officer, S.I. Anil Khatana from P.S. Lahori Gate, Delhi.
8. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 18, 2024/ss