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

+ CRL.M.C. 374/2025
SACHIN ARORA

.....Petitioner

Through: Mr. Pankaj Kapoor, Mr. Nikhil
Bahri, Mr. Aniket Arora, Mr.
Kanwal Nain Singh and Mr., Sagar
Sehrawat, Advocates

Versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, Additional
Public Prosecutor for Respondent-
State
Mr. Atul Kumar Shamra, Advocate
for the Complainant

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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22.01.2025

Crl.M.A. 1819/2025

1. Allowed subject to all just exceptions.
2. The Application is disposed of.

CRL.M.C. 374/2025 & Crl.M.A. 1818/2025 (for interim stay)

3. The present Petition under Section 528 of *Bharatiya Nagarik Suraksha Sanhita, 2023* / Section 428 of *Code of Criminal Procedure, 1973*, has been filed seeking setting aside of the Order dated 14.01.2025 passed by the learned Trial Court whereby Non Bailable Warrants have been directed to be issued against the Petitioner in FIR No. 260/2024,



registered at Police Station Subzi Mandi, Delhi, for the offence under Section 420 of Indian Penal Code.

4. The brief background of the case, as has been spelt out in the present Petition, is that Petitioner is a dealer of sale and purchase of second hand Cars. In February, 2022 the Complainant of the FIR in question, had agreed to purchase a car for a value of Rs.4,40,00/- and he was also informed by the Petitioner that he would have to also bear an extra expenditure of Rs.90,000/- for the transfer of the vehicle. The vehicle was delivered to the Complainant on 16.03.2022.

5. During the transfer process, it transpired that there was a pending challan against the vehicle and as per Government policy, the vehicle is required to be produced at Dehradun for clearance of the challan, which Complainant had agreed to persue personally. However, the dispute remained unsolved but both the sides were in constant touch with each other and the Petitioner had visited the Office of the Complainant thrice to resolve it.

6. The Petitioner thereafter came to know about registration of the FIR in question and that the Investigating Officer of the case had filed an Application for issuance of Non Bailable Warrants against him before the learned Trial Court. Notice under Section 41A Cr.P.C. was served through Whatsapp and Non Bailable warrants *vide* impugned Order dated 14.01.2025 have been issued against him.

7. Learned Counsel for the Petitioner has submitted that Petitioner was in regular touch with the Investigating Officer of the Case and he had also visited the office of the Complainant despite which his new address was not furnished by the Complainant. The Petitioner moved an



Application dated 11.01.2025 to the SHO of Police Subzi Mandi regarding his willingness to join the investigation as and when directed.

8. Learned Counsel, who is the Complainant in the FIR in question, submits that he has been cheated of his money by the Petitioner and has been avoiding to join the investigation.

9. **Submissions heard and record perused.**

10. The impugned Order observes that Petitioner /accused has changed his address four years ago and his present address was never visited by the Investigating Officer. There is nothing on record to show that the Complainant had provided the fresh address of the Petitioner to the Investigating Officer. Furthermore, Petitioner is willing to join the investigation as and when Notice is served upon him.

11. In the circumstances, Non Bailable warrants issued against the Petitioner *vide* impugned Order dated 14.01.2025 are cancelled, with direction that he shall cooperate and join the investigation in compliance of Notice which may be served upon him by the Investigating Officer. He shall also keep the Investigating Officer informed about his address and mobile number.

12. With aforesaid directions, the present Petition and pending Application are accordingly disposed of.

NEENA BANSAL KRISHNA, J

JANUARY 22, 2025

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