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

+ **W.P.(CRL) 917/2025**

MANISH MALHOTRA

.....Petitioner

Through: Mr. Deepak Rana, Mr. Surender
Gupta, Ms. Poonam Tiwari, Mr. B.K.
Saw, Advocates

versus

STATE & ANR.

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC with Mr.
Alok Sharma, Advocate along with SI
Lovely Shokeen, PS Cyber/Shahdara
Complainant in person

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

02.05.2025

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1. The present petition under Articles 226 and 227 of the Constitution of India, 1950 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 143/2024 under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023³ registered at P.S. Cyber Police Station, Shahdara and all proceedings emanating therefrom.

2. Briefly stated, the case of the Prosecution is that a complaint was filed

¹ "BNSS"

² "Cr.P.C."

³ "BNS"



by the Complainant (Respondent No. 2), who has been engaged in the rice business for the past 27 years. On 14th November, 2024, he received a call from one Dharambir, a broker also operating in the rice market, who proposed a financial deal, for the Complainant to purchase rice through him. Pursuant to this, the broker sent rice samples to the Complainant, which he found satisfactory, and they agreed to a transaction involving 726 bags of 1718 steam rice at the rate of ₹6,050 per truckload. The broker informed the Complainant that the seller (M.R. Rice Mills Pvt. Ltd.) required an advance, as they lacked the funds to release the material, and requested 60% of the total payment upfront. Accordingly, the Complainant transferred an amount of INR 13 lakh *via* RTGS to M.R. Rice Mills Pvt. Ltd., a company of which the Petitioner is a Director. However, despite assurances, neither was the rice supplied nor was the amount refunded to the Complainant. This led to the registration of the present FIR.

3. The parties state that, with the intervention of a common friend/mediator, Respondent No. 2 has amicably resolved the dispute with the Petitioner and has decided not to pursue the present FIR. Pursuant to the settlement, the Petitioner has paid a total sum of ₹13,00,000/-, along with an additional penalty amount of ₹50,000/- to Respondent No. 2.

4. The Petitioner further states that upon the registration of the FIR, a sum of INR 5,00,000/- was automatically debited from the ICICI Bank account of his wife, Mrs. Shveta Malhotra, on 17th December, 2024, and another sum of INR 4,00,000/- was debited from the HDFC Bank account of his associate, Mr. Surjit Singh, on 24th December, 2024. These amounts were credited directly into the account of Respondent No. 2 through auto-debit actions initiated by the police. The balance amount of INR 4,50,000/-



was subsequently transferred by the Petitioner to the bank account of Respondent No. 2 on 28th January, 2025.

5. A receipt was duly executed by Respondent No. 2, Proprietor of M/s Shakti International, acknowledging the receipt of the total sum of INR 13,50,000/-. In the receipt, he confirmed that his firm had received the full payment and that no dues remained outstanding against M.R. Rice Mills Pvt. Ltd. or its directors, including the Petitioner. Respondent No. 2 is present in person before the Court, has been duly identified by the IO, and confirms both the execution of the receipt as well as the receipt of INR 13,50,000/-. He further submits that all his disputes and grievances arising from the subject matter of the FIR now stand fully resolved.

6. It is pertinent to note that the offence under Section 318(4) of the BNS is compoundable, albeit with the permission of the Court, and only at the instance of the aggrieved parties. However, that does not debar the High Court from resorting to its inherent power under Section 482 of the Cr.P.C. and pass an appropriate order so as to secure the ends of justice.

7. Having regard to the nature of the dispute and the fact that the aggrieved parties have amicably settled the matter, this Court is of the view that continuation of the criminal proceedings would serve no useful purpose. In the circumstances, this is a fit case for exercise of jurisdiction under Section 482 of the Cr.P.C., as the continuance of proceedings would amount to an abuse of the process of law and impede the ends of justice.

8. In view of the foregoing, the present petition is allowed and FIR No. 143/2024 under Section 318(4) BNS, registered at P.S. Cyber Police Station, Shahdara, as well as all consequential proceedings arising therefrom are hereby quashed.



9. The present petition is allowed in the aforesaid terms.

SANJEEV NARULA, J

MAY 2, 2025/ab