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

+ **W.P.(CRL) 1113/2024**

VIKAS SAWKAR

.....Petitioner

Through: Mr. Brijesh yadav, Adv, Mr. Akshay Kumar, Adv, and Ms. Apurva Singhal, Advocates.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjeev Bhandari, ASC for the State with SI Sumeet Poonia, PS Vivek Vihar.

Mr. Rishabh Gupta, Mr. Kshitij Paliwal, Mr. Prabhpreet Singh Wadhwa, Mr. Vipul Biala, Advocates for R2 & R3.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

15.12.2025

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1. Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, has been filed on behalf of the Petitioner for quashing of FIR No. 238/2022 dated 11.04.2022 under Section 420/467/468/471 of the Indian Penal Code, 1860 registered at Police Station Vivek Vihar, Delhi and the consequential proceedings emanating therefrom.

2. It is submitted that the Respondent No. 2, Rakesh Kumar & Co., had issued a Letter of Award dated 27.06.2019, to the Petitioner.

3. The Respondent No. 2 had also issued a Work Order and Work Completion Certificate to the Petitioner on 31.05.2021. The Respondent No. 2 submitted a forged Bank Guarantee (approximately ₹77,70,000/-) before the PWD Department, Dehradun, Uttarakhand on 07.08.2021. The Executive



Engineer of PWD Department, Dehradun, Uttarakhand, lodged an FIR No. 38/2022 under Section 420/467/468/471 of the Indian Penal Code, 1860 on 04.02.2022.

4. In order to get rid of his own Civil liability, the Respondent No. 2 lodged a fabricated FIR No. 238/2022 under Section 420/467/468/471 IPC, registered at Police Station Vivek Vihar on 11.04.2022. The Respondent No. 2 had issued a cheque of ₹5 Crores on 23.11.2022, in favour of the Petitioner, which on presentation, got dishonoured for which, the criminal proceedings are pending, before the learned JMFC III, Hubli, Karnataka.

5. In order to settle the underlying liability, the Respondent No. 2 issued several cheques in favour of the Petitioner on 29.11.2023 and a cheque for the sum of ₹3 Crores, was also issued in favour of the Petitioner, which got dishonoured. The cheque Returning Memo was issued by the Bank with note bearing payment stop by the drawer is dated 30.11.2023. A Legal Notice dated 13.12.2023 has been served by the Petitioner on the Respondent No. 2.

6. The Petitioner further asserts that the Respondent No. 2 is a main kingpin of forging Bank Guarantees but got an Anticipatory Bail on 27.06.2023, from the High Court of Uttarakhand at Nainital. Notice under Section 41(A)(1) Cr.P.C. was served on the Petitioner on 22.09.2023.

7. However, in the present FIR No. 238/2022, the Anticipatory Bail Application of the Petitioner, was dismissed by the learned ASJ on 29.11.2023.

8. **The quashing of the present FIR**, has been sought on the ground that the present FIR has been lodged by the Respondent No. 2, in respect of a purely civil dispute, which has been given a criminal colour.



9. The FIR is a self-protective veil and an aggressive intimidation tactic by the Respondent No. 2, to wreak criminal havoc on the Petitioner and for criminal harm to his Firm. The FIR is *mala fide* instituted with ulterior motive as the Respondent No.2 intends to run away with his liability of ₹4 Crores, which is yet to be paid to the Petitioner. The FIR is based on concocted and absurd facts. The Dehradun Police has already investigated the offence that is origin of fake Bank Guarantee, committed by the Respondent No. 2 and Charge-Sheet has also been filed by the Police wherein the Petitioner has not been named. The Respondent No. 2 wrongly stated in the FIR that he had transferred ₹22,00,000/- to the Petitioner when in fact, he had transferred only ₹17,23,500/- against his outstanding monetary liability. The FIR is based on blatant lie that the Respondent No. 2 first met the Petitioner on 03.06.2021. Contrary, to this both of them had old business relations and worked together on several projects/contracts.

10. Reliance is placed on Akbaruddin Owaisi vs The Govt. of Andhra Pradesh; 2014 CRLJ 2199 AP, Cr.PC; Indian Oil Corporation vs. NEPC India Ltd. & Ors., (2006) 6 SCC 736; State of Haryana vs. Bhajan Lal, reported as 1992 Sup (1) SCC 335; Inder Mohan Goswami and Anr. vs. State of Uttaranchal and Ors., reported as (2007) 12 SCC 1; Mohammad Wajid & Anr. vs. State of U.P. & Ors.; G. Sagar Suri vs. State of UP, (2000) 2 SCC 636; Madhavrao Jiwarjirao Scindia & Ors. vs. Sambhajirao Chandrojirao Angre & Ors., reported as (1988) 1 SCC 692; Gurbaksh Singh Sibbia & Ors. vs. State of Punjab, (1980) 2 SCC 565; Babu Singh vs. State of U.P., (1978) 1 SCC 579 and Siddharam Satinlgappa Mehtre vs. State of Maharashtra, 2011 (1) SCC 694.

11. It is, therefore, submitted that the present FIR No. 238/2022 be



quashed.

12. Learned ASC on behalf of the State, has explained that in fact, the FIR at Dehradun, was pertaining only a Bank Guarantee of ₹77,70,000/- approximately in which the Complainant was the Executive Engineer, PWD. However, the second FIR 238/2022 pertains to two BGs, one is ₹77,00,000/- and the other is for ₹32,00,000/-. The investigations are still ongoing. The Complainant in this present FIR, is Ishan Verma and the nature of allegations are different and therefore, there can be no quashing of the present FIR.

Submissions heard and the record perused.

13. It is not in dispute that the first FIR No. 38/2022 at Dehradun, Uttarakhand pertained to BG for ₹77,00,000/- approximately. This BG cannot be a subject matter of the present FIR No. 238/2022.

14. In view of the aforesaid, it is hereby directed that the subject matter in respect of which, the FIR No. 38/2022 under Section 420/467/468/471 of IPC on 04.02.2022 at Dehradun, Uttarakhand, had already been registered and the Charge-Sheet filed, cannot be reinvestigated in the present FIR. However, in respect of other allegations, the FIR may be continued and the investigations concluded, in accordance with law.

15. With these directions, the Petition is hereby disposed of. Pending Application(s), if any, also stands disposed of.

NEENA BANSAL KRISHNA, J

DECEMBER 15, 2025/RS