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

+ **CRL.M.C. 3178/2025 & CRL.M.A. 13958/2025**

SH. RAJENDER@ RAJU GOENKA

.....Petitioner

Through: Mr. Amit Sharma, Ms. Urmila
Sharma, Advocates

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Mukesh Kumar, APP for the
State with SI Parveen, PS Subhash
Place

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

06.05.2025

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1. The present petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Section 482 of the Code of Criminal Procedure, 1973) seeks quashing of FIR No. 751/2014¹ registered under Sections 420, 468, 471 of the Indian Penal Code, 1860² at P.S. Subhash Place. In the said proceedings, chargesheet has been filed *qua* the Petitioner under Sections 420, 468, 471, 34, 120B of IPC.

2. At the outset, the Court takes note that this is the second petition filed by the Petitioner seeking the quashing of the FIR. On a previous occasion, when the Petitioner approached this Court in W.P. (Crl.) 1531/2018, the

¹ "the impugned FIR"

² "IPC"



following directions were issued by order dated 22nd January, 2020:

- “1. The petitioners have filed the present petitions, inter alia, praying that the FIR No. 751/2014 under Sections 420/468/471 of the IPC, registered with Police Station Saraswati Vihar, Delhi and subsequent proceedings emanating therefrom, be quashed.*
- 2. Mr Avi Singh, learned ASC appearing for the State states that the chargesheet and a supplementary charge sheet has already been filed and cognizance has been taken.*
- 3. The status report has also been filed. A plain reading of the FIR in question indicates that respondent no.2 has alleged that he has been induced to enter into a franchise agreement for dealing in garments under the brand name of SEPIA, which is owned by the petitioner. He alleges that he was assured a return of Rs. 2.85 lakhs per month. He also claims that he had paid a sum of Rs. 25,00,000/- in cash in May, 2013, however, there is no document evidencing payment/receipt of such a large sum in cash. The complainant also states that the said amount had been borrowed from other persons.*
- 4. The status report does not indicate that any investigation was done by examining the income tax returns of the complainant in this regard.*
- 5. The petitioners also allege that it is the modus operandi of respondent no.2 (complainant) to enter into agreements with parties and subsequently (I deny his signatures on the agreements and file false complaints to extort funds from them.*
- 6. The status report indicates that respondent no2. was asked to disclose all other complaints and FIR filed by him but he had refused to do so. This Court is, prima facie, of the view that the investigation has, thus, remained incomplete.*
- 7. The learned counsel appearing for respondent no.2 is present in Court and states that respondent no.2 shall make full disclosure of all FIRs and complaints made by him before any authority. Respondent no.2 is bound down to the said statement.*
- 8. The Investigating Officer is directed to investigate and collect details of other complaints filed by respondent no.2. The IO shall investigate the income tax returns filed by respondent no.2 to ascertain whether any disclosure of payment of Rs. 25 lakhs in cash has been made to the income tax authorities and also examine the sources, thereof.*
- 9. Let a supplementary report, indicating the additional enquiries made and material collected, be filed before the concerned Trial Court.*
- 10. Insofar as quashing of the FIR in question is concerned, this Court does not consider it apposite to do so. It will be open for the petitioner to urge all contentions before the Trial court.*
- 11. The petitions are disposed of with the aforesaid directions.”*

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3. As is evident from the above, this Court had, at that time, declined to quash the FIR. However, liberty was granted to the Petitioner to raise all grounds before the Trial Court.

4. The Court is also apprised that in the said proceedings, the prosecution has filed a supplementary chargesheet and the cognizance has been taken and the matter is listed for arguments on the point of charge.

5. In view of the above, and considering that this Court has already permitted the Petitioner to advance all his contentions before the Trial Court, the Petitioner must first exhaust that remedy before pursuing any other remedy.

6. Counsel for the Petitioner is agreeable and states that he would argue the matter on charge before the Trial Court. He further submits that the complainant and his family members have registered 22 FIRs against several individuals and are allegedly engaged in a pattern of extortion. In this context, he makes a limited request for exemption from personal appearance before the Trial Court until the arguments on charge are concluded, as the Petitioner is a senior citizen.

7. In light of the foregoing, the present petition is dismissed as withdrawn with liberty aforesaid.

8. The Petitioner is exempted from personal appearance before the Trial Court till the stage the arguments on charge are heard and concluded. In the event, the Trial Court determines that charges have to be framed, the Petitioner shall then appear before the Trial Court in person.

9. It is also clarified that should the Trial Court take a view adverse to

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the Petitioner, he shall be free to take recourse to appropriate legal remedies as available in law.

10. The Court has not examined on the merits of the case and all rights and contentions of the parties are left open.

11. In view of the above, the present petition is dismissed as withdrawn.

SANJEEV NARULA, J

MAY 6, 2025/ab

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