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

\+ **CRL.M.C. 2639/2021 & CRL.M.A. 4776/2023, CRL.M.A. 15461/2025**

AHMAD A R BUHARI .....Petitioner

Through: Mr. Sidharth Luthra, Senior Advocate (through VC)
Mr. Vivek Jain, Mr. Swapnil Srivastava, Mr. Zulfiquar Memon, Mr. Parvez Memon, Mr. Mrinal Bharti, Mr. Kush Agarwal, Mr. Jayesh Srivastava and Mr. Rishabh Periwal, Advs.

versus

CENTRAL BUREAU OF INVESTIGATION NEW DELHI .....Respondent

Through: Mr. Atul Guleria, SPP, CBI with Mr. Aryan Rakesh, Mr. Prashant Upadhyay and Ms. Swati, Advs. for CBI.
Mr. Ashish Kr. Dixit, CGSC with Mr. Umar Hashmi, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

O R D E R

% **16.09.2025**

1. By the present petition, the petitioner seeks quashing of FIR No. RC 221/2018/E0003 dated 22.01.2018, registered at Police Station CBI/EO-III, for offences under Section 120B read

with Section 420 of the Indian Penal Code, 1860 (**IPC**) and Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988 (‘**PC Act**’).

2. The FIR was registered pursuant to a complaint received from the Directorate of Revenue Intelligence (**DRI**) that sub-standard coal had been supplied by the petitioner to the National Thermal Power Corporation Ltd. (**NTPC**). The investigation was also separately initiated by the DRI in regard to sourcing of the coal by the petitioner’s company from Indonesia.

3. Pursuant to the award of tender by the NTPC in favour of the petitioner’s company in the year 2013, the petitioner’s company is stated to have imported 182 consignments of coal between the year 2011-12 and 2014-15.

4. Pursuant to the investigation being taken up by the DRI on 14.02.2017 and its information being given to the Central Bureau of Investigation (**CBI**), the subject FIR was registered on 22.01.2018. It is pointed out that in that regard, multiple FIRs were registered in different periods and one of them was FIR No. RC0292013A0020GNR dated 13.12.2013, registered at CBI, ACB, Gandhinagar in regard to the supply of coal by the company namely M/s. Bhatia International Ltd.

5. It is pointed out that though the investigation was carried out by the CBI in all the FIRs, however, no final conclusion could be reached except in FIR No. RC0292013A0020GNR. It is further pointed out that the CBI in the said case filed a report categorically stating that no evidence could be found and the case may be closed.

6. The learned Special Court has also since accepted the said

report. All the investigations including the one against M/s. Bhatia International Ltd. relate to supply of coal to NTPC after its procurement from Indonesia.

7. The Status Reports have been filed in the present case.

8. It is undisputed that the CBI has not been able to find out evidence in regard to any pecuniary advantage by any of the public servants.

9. It is also undisputed that the coal which was supplied by the petitioner's company has already been consumed by the NTPC. Some samples were sent to Central Institute of Mining and Fuel Research (**CIMFR**) for the purpose of testing which were collected by the Customs Authorities.

10. It is further not disputed by the CBI that it is difficult to establish from the said samples that the coal supplied was sub-standard.

11. The investigation has been pending since the year 2018 and as noted above, the CBI has not filed any final report though it is undisputed that no evidence has been found against the petitioner or other accused persons.

12. The case of the petitioner is on the same footing as in FIR No. RC0292013A0020GNR, in which undisputedly, the CBI has sought closure of the said case. Thus, no purpose would be served by directing the CBI to take steps for filing a report before the concerned Court.

13. It is also pointed out that the petitioner has also succeeded in the proceedings initiated at the instance of DRI. The learned Customs, Excise and Service Tax Appellate Tribunal (**CESTAT**) *vide* its final judgment dated 15.04.2025, noted that the petitioner

had not committed any act which would render the coal liable for confiscation under Section 111(m) of the Customs Act, 1962. The learned CESTAT has, thus, quashed the Show Cause Notice dated 14.02.2017 issued by the DRI. It is pertinent to note that the allegation made in the Show Cause Notice had led to the initiation of investigation by the CBI.

14. Considering that a long period has elapsed and no material has been found against the petitioner so as to implicate him for the alleged offences, this Court considers this to be a fit case to exercise jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in order to prevent the further harassment to the petitioner and to secure the ends of justice.

15. In view of the above, the present petition is allowed and FIR No. RC 221/2018/E0003 and all subsequent proceedings are quashed. Pending application(s) also stand disposed of.

AMIT MAHAJAN, J

SEPTEMBER 16, 2025
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