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

+ W.P.(CRL) 1943/2025, CRL.M.A. 18208/2025 (for interim directions)

SHRI. MONTY SHARMA & ANR.

.....Petitioners

Through: Mr. Hrishikesh Baruha, Mr. Anurag Mishra, Mr. Divyanshu Agrawal, Mr. Divanshu Dhingra and Mr. Utkarsh Dwivedi, Advocates.

versus

STATE OF NCT OF DELHI, ECONOMIC OFFENCES WING, & ANR. & ORS.

.....Respondent

Through: Mr. Amol Sinha, ASC (Crl.) for the State with Mr. Kshitiz Garg, Mr. Ashvini Kumar, Mr. Nitish Dhawan, Ms. Chavi Lazarus and Ms. Sanskriti Nimbekar, Advocates with Inspector Harnam Singh, EOW.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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01.07.2025

CRL. M.A.18209/2025 (Exemption), CRL.M.A. 18237/2025

1. Exemption allowed, subject to all just exceptions.
2. The Applications stand disposed of.

W.P.(CRL) 1943/2025

3. Writ Petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of the Petitioners, with the following prayers:



“[A] Issue a Writ, Order or Direction thereby directing the Respondent No. 1 provide the copy of complaint in compliance of Section 94 of Bharatiya Nagarik Nyaya Sanhita; and

[B] Issue a Writ, Order or Direction in the nature of Mandamus thereby directing that only one department (either Respondent No. 1 or Respondent No. 2) be permitted to investigate the matter with respect to erroneous funds issued in Ward-93, Zone 8, Trade and Taxes Department, New Delhi; and

[C] Issue a Writ, Order or Direction in the nature of Mandamus thereby directing the Respondent Nos.1 for Protection from any coercive steps/arrest against the present Petitioners arising out of FIR bearing FIR No. 49, dated 09.04.2025, registered at Police Station Economic Offences Wing (EOW) for the offences punishable under Section 61(2), 318(2) of the Bharatiya Nyaya Sanhita, 2000 ad Section 66 C of the Information Technology Act, 2000.

[D] Pass such other and further Order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and in the interest of justice.”

4. On advance Notice, learned counsel for the Respondent has appeared.
5. The first prayer made in the Petition is that the copy of the Complaint has not been supplied, in terms of Section 94 of the Bharatiya Nagarik Nyaya Sanhita.
6. Learned counsel for the Respondent submits that the copy of the Complaint shall be provided to the Complainant *forthwith*.
7. The second prayer made in the Petition is that only one Department



(either Respondent No. 1 or Respondent No. 2) may be permitted to investigate the matter in regard to the erroneous refund by the Trade and Taxes Department, New Delhi. However, there can be no such direction given by this Court to limit the investigations to be carried out only by one Department.

8. The prayer No. (B) that the investigation be done by only one Agency in the present Petition, is not pressed.

9. The third prayer made is that the directions be issued to the Respondent No. 1 from taking any coercive steps or to arrest the Petitioners in FIR No. 49 dated 09.04.2025, registered at Police Station Economic Offences Wing (EOW) for the offences punishable under Section 61(2), 318(2) of the Bharatiya Nyaya Sanhita, 2000 and Section 66 C of the Information Technology Act, 2000.

10. Insofar as, this prayer is concerned, this Court cannot be interfering in the process of investigations. In case, if there is any apprehension of arrest, the Petitioners are at liberty to move the appropriate Application. Insofar as, the coercive steps or arrest is concerned, the Respondent is bound to follow the law, in accordance with law. No further directions can be issued in this regard.

11. With these observations, the Petition is disposed of without prejudice to the rights of the Petitioners, to seek appropriate remedy in appropriate proceeding. Pending Application, if any, also stands disposed of.

NEENA BANSAL KRISHNA, J

JULY 1, 2025/RS