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

\+ W.P.(CRL) 3304/2025, CRL.M.A. 30001/2025

MS. MONA VIJ .....Petitioner

Through: Mr. Mohit Chaudhary, Mr. Kunal Sachdeva and Ms. Katyayani Vajpayee, Advocates.

versus

STATE OF NCT OF DELHI & ORS. .....Respondents

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

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

<u>O R D E R</u>

% **09.10.2025**

<u>W.P.(CRL) 3304/2025</u>

1. Writ Petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*erstwhile Section 482 of the Code of Criminal Procedure, 1973*) has been filed on behalf of the Petitioner, with the following prayers:-

> *"a) Issue a writ of mandamus or any other appropriate writ, order, or direction, directing Respondent No. 1 and 2 to act on the Petitioner's Complaint dated 26.07.2025 (Diary Reference No. 81650022500058 dated 28.07.2025) and to conduct a thorough and expeditious investigation into the allegations of forgery,*

cheating, criminal breach of trust, and conspiracy, and/or

b) Direct Respondent No. 1 to supervise the investigation and ensure its completion within a time-bound period, preferably within 3 months, and to file a status report before this Hon'ble Court, and/or

c) Direct Respondent No. 3 (Deutsche Bank) to fully cooperate with in the fact-finding exercise, by providing all relevant loan documents, guarantee agreements, KYC records, and other evidence within 15 days, and to refrain from any coercive recovery actions against the Petitioner pending investigation/enquiry, and/or

d) Issue a writ of mandamus or any other appropriate writ, order, or direction, directing Respondent No. 2 to forthwith procure the original or certified copy of the Guarantee Document from Respondent No. 3 (Deutsche Bank) and submit the same for forensic examination at the Forensic Science Laboratory (FSL) or an equivalent accredited expert body to verify the authenticity of the purported signatures of the Petitioner, and to file a report thereon before this Hon'ble Court within a stipulated timeframe, and/or

e) Direct Respondent No. 4 (CIBIL) to immediately remove or suspend the fraudulent guarantor entry from the Petitioner's credit report pending the outcome of the police investigation, and to issue a corrected credit report to the Petitioner.

f) Direct Respondents Nos. 5, 6, 7 and 9 to appear and cooperate in the investigation, and restrain them from tampering *with evidence or ·harassing the Petitioner.*

· *g) Direct Respondent No. 8 (RBI) to ensure compliance by Respondent No. 3 with fair lending practices and RBI guidelines, including initiation of appropriate regulatory action.*

h) Award costs of the petition in favor of the Petitioner and a against the Respondents.

i) Pass such other and further orders as this Hon'ble Court may deem fit and proper in the interest of justice."

2. It is submitted on behalf of the Petitioner that the provision under Section 173 of B.N.S.S., which is akin to Section 156 of the Code of Criminal Procedure, 1973., has undergone a slight change in so much as while Section 173(1) deals with the filing of the Complaint. Clause 4 specifically provides that any person aggrieved by the refusal on the part of the Officer Incharge, therefore, he cannot go directly to the Court of learned Metropolitan Magistrate for registration of FIR, without there being a refusal on the part of the Investigating Agency.

3. It is submitted that the complaint has been filed on 26.07.2025 despite which, there is complete inaction on the part of the Investigating Agency. Therefore, directions are sought as mentioned above to the Respondent.

4. Learned counsel on behalf of the State, however, on instruction from the Investigating Officer, submits that the Complaint has been received and registered on 28.07.2025. The Investigating Officer is conducting a preliminary enquiry to confirm if in fact there has been any cheating or forgery of the signature of the Petitioner, for which letter has been written to Deutsche Bank but the Response is awaited. However, on instructions,

learned counsel submits that the Investigating Officer shall give an Investigating Report of either refusing to register the FIR or register the FIR, in accordance with law, within 30 days. In case, no action is taken by the Police within 30 days, it may be deemed as a refusal.

5. Petition is disposed of accordingly with the rights and contentions raised herein left open for the parties to be agitated in the appropriate proceedings. Pending Application, if any, also stands disposed of.

NEENA BANSAL KRISHNA, J

OCTOBER 9, 2025/RS