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

+ **CRL.M.C. 7294/2025**

UPENDRA RAI

.....Petitioner

Through: Mr. N. Hariharan Sr Advocate; Mr Arshdeep Singh Khurana; Mr. Arjun Dewan; Mr. Arjun Mukherjee; Mr. Himanshu Kasturi; Ms Saumya Pandotra; Mr. Aman Akhtar, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION & ANR.

.....Respondents

Through: Mr. Atul Guleria, SPP CBI with Mr. Aryan Rakesh, Advocate.
Ms. Devika Mohan, Mr. Pranav Jain, Mr. Tanish Manuja, Mr. Dhruv Negi, Advocates for R-2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **14.10.2025**

CRL.M.A. 30623/2025 (Seeking Exemption)

1. Allowed, subject to just exceptions.
2. The Application stands disposed of.

CRL.M.C. 7294/2025

3. A Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the Petitioner seeking quashing of FIR No.RC2172018A0004 dated 05.05.2018 under Section 120-B, 384 of the IPC and Section 8 of Prevention of Corruption Act, 1988 registered at



CBI, AC-II, New Delhi.

4. The Chargesheet was filed on 06.09.2018 before the learned Special Judge and the cognizance was taken on 18.09.2018. Thereafter, a Supplementary Chargesheet was filed by Respondent No.1 on 27.07.2020.

5. It is submitted that even in the Chargesheet or the Supplementary Chargesheet, no public servant has either been named or identified. In fact, CBI/Respondent No.1 has categorically stated that no role of any public servant has emerged during the investigations. Thus, it is clear that no offence under Section 8 of PC Act is even prima facie made out in the present case.

6. The alleged dispute is a private dispute between Petitioner and Respondent No.2/Complainant as is evident from the No Objection Affidavit of the Complainant wherein it is stated that he does not wish to pursue the proceedings arising out of the impugned FIR. It is further submitted that Respondent No.2 on 16.11.2019 had informed the Respondent No.1/CBI that it did not intend to pursue the proceedings against the Petitioner. Despite the same, the Respondent No.1 has not brought this fact to the notice of learned Trial Court and has not even filed the said communication along with the Supplementary Chargesheet. In view of the aforesaid facts, a prayer is made that the FIR be quashed in terms of the Settlement between the parties.

7. Learned counsel for the CBI, however, has opposed the quashing on the ground that Section 8 of PC Act has been invoked. However, on specific query, he has submitted that no Government official could be identified during the investigations. It is further submitted that Section 8 PC Act itself provides that the offence may be committed viz-a-viz Government official



or otherwise. Therefore, to say that no offence under Section 8 PC Act is made out, at this stage is not correct. The quashing of FIR is, therefore, opposed.

8. **Learned counsel on behalf of the Respondent/Complainant** has appeared along with Authorized Representative Shri Balwinder Singh who has appeared through V.C. It is endorsed by him that the FIR got registered on some misunderstanding in respect of Consultancy Agreement that was entered into between the Complainant and the Petitioner. However, soon thereafter, the misunderstanding was cleared and the Board Resolution dated 16.11.2019 was passed by the Complainant Company, not to pursue the Complaint and the intimation was accordingly, sent to CBI vide Letter dated 16.11.2019. Furthermore, a “No Objection Affidavit” dated 09.10.2025 has been placed wherein it is reiterated that there is No Objection to the quashing of FIR.

9. Mr. Balwinder Singh A/R of Complainant Company endorses the Settlement and further submits that there is No Objection to the quashing of the FIR and the consequent proceedings thereto, not only against the Petitioner but the co-accused Rahul Sharma.

Submissions heard and record perused.

10. The allegations were essentially of extortion of money from the Complainant on the pretext of getting some favour from the Income Tax Officer. Pertinently, no Income Tax Officer was ever identified nor is there any evidence to show that there was anybody contacted by the Petitioners to get the undue favour. As has been rightly argued, no allegation of Section 8 PC Act has been made out.

11. Even otherwise, considering the nature of the allegations and the



Settlement inter-se the parties, the FIR No.RC2172018A0004 dated 05.05.2018 under Section 120-B, 384 of the IPC and Section 8 of Prevention of Corruption Act, 1988 registered at CBI, AC-II, New Delhi, along with the consequent proceedings is hereby quashed qua the Petitioner.

12. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

OCTOBER 14, 2025

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