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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CRL.M.C. 8853/2025, CRL.M.A. 36950/2025 & CRL.M.A.  
36951/2025

SMT SARITA MALGURIA

.....Petitioner

Through: Mr. Amit Rawal, Senior Advocate  
along with Mr. Akshat Vachher, Mr.  
Kul Anand and Ms. Rishika,  
Advocates.

versus

STATE OF NCT OF DELHI & ORS

.....Respondents

Through: Mr. Amit Ahlawat, APP for the State  
along with Insp. Purushottam, PS  
EOW.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**  
**11.12.2025**

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1. This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023<sup>1</sup> (corresponding to Section 482 of the Code of Criminal Procedure, 1973<sup>2</sup>) seeks quashing of FIR No. 38/2025 dated 24<sup>th</sup> March, 2025, registered under Section 406 of the Indian Penal Code, 1860<sup>3</sup> at P.S. Economic Offences Wing.

2. Mr. Amit Rawal, Senior Counsel for the Petitioner, submits that the impugned FIR is a vindictive exercise arising out of a longstanding commercial dispute between the parties. He submits that even on a plain reading of the FIR, no criminal offence is disclosed, and the allegations

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<sup>1</sup> "BNSS"

<sup>2</sup> "CrPC"

<sup>3</sup> "IPC"



relate solely to matters of supply of goods, adjustment of running accounts, and recovery of business dues. The parties are admittedly litigating before the civil court in Civil Suit No. 108/2024, in which the complainant has filed a counter-claim on 18<sup>th</sup> February, 2025. Mr. Rawal emphasizes that the FIR is a verbatim reproduction of the said counter-claim, which indicates that the criminal process is being misused to pressurise the Petitioner into settling what is purely a civil dispute. Thus, it is argued that the impugned FIR is a gross abuse of the process of law.

3. Mr. Amit Ahlawat, APP for State, on instructions from the Investigating Officer, submits that the matter is at a preliminary stage. The documents are currently being examined, and no custodial interrogation of the Petitioner is warranted at this stage, subject to the Petitioner joining the investigation, as and when duly notified.

4. In view of the above statement, Mr. Rawal submits that he does not wish to press the present petition at this stage and seeks permission to withdraw it with liberty to approach the appropriate Court, if any adverse action is taken against the Petitioner. He further prays that in the event any arrest is contemplated, the Petitioner be duly notified.

5. Having considered the submissions, the following directions are issued:

(i) The Petitioner shall join the investigation and appear before the Investigating Officer as and when duly notified.

(ii) The statement of the APP is taken on record. In the event that any adverse action is contemplated against the Petitioner, due notice shall be issued to him, keeping in view that the FIR presently discloses only an offence under Section 406 IPC.



(iii) The Petitioner shall be at liberty to furnish all relevant documents to the Investigating Officer, if so advised.

(iv) The Petitioner shall be at liberty to avail appropriate remedies in the event the investigation culminates in any action adverse to him. All rights and contentions of the parties are left open.

6. Disposed of.

**SANJEEV NARULA, J**

**DECEMBER 11, 2025/MK**