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

+ **W.P.(CRL) 2224/2025**

MOHAMED MOHAMED ELIWA GHONIM SHALABY

.....Petitioner

Through: Mr. Rakesh Malhotra, Mr. Kushal Malhotra and Ms. Gayatri Bhatia, Advocates.

versus

DEPUTY COMMISSIONER OF POLICE & ORS.

.....Respondents

Through: Mr. Kshitiz Garg, Advocate for Mr. Amol Sinha, ASC for State. Insp. Sandeep, P.S.:EOW.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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16.04.2026

W.P.(CRL) 2224/2025 & CRL.M.A. 11640/2026

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks a direction to respondent No.1, Delhi Police to give him a hearing in relation to a complaint he had made on 24.08.2023.

2. Mr. Rakesh Malhotra, learned counsel appearing for the petitioner submits, that despite lapse of 03 years, the petitioner's complaint has not been considered by the Delhi Police; and the complainant has been shunted about between the EOW Cell of the Delhi Police and the CBI.



3. Mr. Khitiz Garg, learned counsel appearing for Mr. Amol Sinha, learned ASC for the State submits, that *vidé* Status Report/Action Taken Report dated 'NIL' filed before the learned trial court, the CBI have closed the matter, opining that since there was no loss to the Government Exchequer and since the allegation relates to cheating of a private entity, the matter does not require a CBI probe.
4. Mr. Garg explains, that the petitioner has in fact filed a criminal complaint under section 200 of the Code of Criminal Procedure 1973; and at the petitioner's instance *vidé* order dated 21.01.2025 made in transfer petition TR.P.(CRL).No.8/2025, the criminal complaint was transferred from the learned CMM Patiala House Courts, New Delhi (since at that stage it was being investigated by the EOW) to the learned CMM Rouse Avenue Courts, New Delhi (since it was subsequently being investigated by the CBI).
5. Thereafter, by reason of the CBI having closed the matter, the complaint was transferred back to the EOW Cell of the Delhi Police; and is presently pending before the learned CMM Patiala House Courts. Mr. Garg submits, that in view of the above, the petitioner ought to pursue his remedy in his pending criminal complaint before the Patiala House Courts.
6. Given the above position, the present petition is disposed-of leaving the petitioner to pursue his remedy by way of the criminal complaint titled "*Mr. Mohamed Mohamed Eilwa Ghonim Shalaby Through his Power of Attorney Holder vs. Mr. Ankur Aggarwal and Ors.*" pending before the learned Judicial Magistrate First Class, Patiala House Courts, New Delhi.



7. Petition stands disposed-of in the above terms.
8. Pending applications, if any, also stand disposed-of.
9. The date of 23rd April 2026, given earlier stands cancelled.

ANUP JAIRAM BHAMBHANI, J

APRIL 16, 2026/ss