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

\# **CNR No. DLHC011011072025**

\+ CRL.M.C. 8954/2025

AJAY @ HUNNY AND ORS .....Petitioners

Through: Mr. Aditya Sharma, Adv. (through vc)

versus

STATE OF NCT OF DELHI AND ANR .....Respondents

Through: Mr. Naresh Kumar Chahar, APP for the State

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

O R D E R

% 28.10.2026

CRL.M.A. 33690/2026

1. This is an application filed by the Petitioners seeking preponement of the date of hearing from 18.11.2026 to an earlier date.

2. Issue notice. Mr. Naresh Kumar Chahar, learned APP for the State, accepts notice.

2.1. He submits that the matter can be taken up on board today itself.

3. The application is allowed, and the matter is taken on the board.

CRL.M.C. 8954/2025

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4. This petition has been filed under Section 528 of the Bharatiya Nagarik Surkaksha Sanhita, 2023[1] seeking the following reliefs:

> "Quash FIR No. 10/2025 U/S 318(4)/61(2)/3(5) BNS, 2023 at PS Cyber, Outer North Distt, Delhi and all other criminal proceedings initiated thereunder against petitioner; and"

5. The brief facts, as stated in the petition, are that Respondent No. 2 filed a complaint alleging that he had received certain telephonic communications containing malicious WhatsApp links relating to fraudulent online credit card transactions, which led to hacking of the complainant's phone and unauthorized use of his credit card, pursuant to which the subject FIR was registered. It is stated that during the course of investigation, the police traced and seized several electronic devices, mobile phones and SIM cards, and conducted IMEI-based verifications and analyses of digital trails.

5.1. It is stated that the Petitioner Nos. 1 and 2 were arrested during the investigation on 10.03.2025.

5.2. The charge-sheet dated 05.05.2025 was filed before the Court of the learned Chief Judicial Magistrate, Rohini Courts, Delhi.

5.3. It is stated that in the intervening period, the Petitioners have entered into a settlement with Respondent No. 2 *vide* Settlement Deed dated 09.12.2025, and, on this basis, seek quashing of the subject FIR. It is stated that as per the Settlement Deed, Respondent No. 2 has received a sum of

[1] Corresponding to Section 482 of the Code of Criminal Procedure, 1973.

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Rs. 43,000/- towards full and final settlement of all his claims.

6. Learned APP has handed over a status report and states, on instructions from the Investigating Officer ['IO'], that the State is opposing this petition.

6.1. He submits that this is a case pertaining to digital fraud and there are at least twenty-eight [28] other individual complainants other than Respondent No. 2 who have complained against the modus operandi of the Petitioners herein, and further two [2] accused for defrauding them. He states that the complainants are located pan-India.

6.2. He states that there are at least five [5] accused in this matter and this petition has only been filed by the three [3] accused.

6.3. He states that the Petitioners are absconding and the proceedings for declaring them Proclaimed Offenders ['PO'] have been initiated against them. He states that another co-accused Mr. Manjeet, has already been declared as PO.

7. This Court has heard the learned counsel for the parties.

8. The High Court, invoking its inherent powers under Section 528 of the BNSS, is empowered to quash criminal proceedings on the basis of a settlement arrived inter-se parties; however, the Court may decline quashing of FIR in economic offences which affect the financial and economic well-being of the State and have implications extending beyond the dispute between private parties. In this regard, this Court finds it apposite to refer to the dicta of the Supreme Court in **Parbatbhai Aahir v.**

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State of Gujarat[2] wherein the relevant paragraph reads as under: -

> "**16.10.** There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance."
>
> [Emphasis supplied]

9. This Court has perused the status report and, in view of the contents thereof, this Court is satisfied that this petition seeking partial quashing of the FIR *qua* three [3] accused cannot be allowed, considering that twenty-eight [28] other complainants have been defrauded. This Court is of the prima facie opinion that the complaint forming basis of the subject FIR is not a personal/private dispute between the Petitioners and Respondent No. 2, and there is overriding public interest involved in the investigation of the subject FIR.

10. The FIR and the investigation against the accused shall continue in accordance with law.

11. Learned APP is directed to have the status report placed on record.

12. Accordingly, the petition is dismissed. Pending application stands disposed of.

13. The next date of hearing, 18.11.2026, is cancelled.

14. The digitally signed copy of this order, duly uploaded on the official

[2] (2017) 9 SCC 641 [Paragraph No. 16.10]

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website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 28, 2026/msh/aa

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