



**IN THE SUPREME COURT OF INDIA
EXTRAORDINARY CRIMINAL JURISDICTION**

Special Leave Petition (Crl.) No.11375 of 2025

Smt. Shalini Bhateja & Anr.

...Petitioners

Versus

The State of U.P. & Ors.

...Respondents

JUDGMENT

K. VINOD CHANDRAN, J.

1. The Petitioners, accused in FIR No. 396 of 2025 dated 09.06.2025 registered at Police Station Tajganj, District Agra were before the High Court seeking to quash the same, declined by the impugned judgment. The contention of the petitioners that there was a *mala fide* intention to cause purposeful harassment in registering the FIR, was rejected by the High Court. It was also directed that the petitioners appear before the Trial Court within 60 days, in which circumstance liberty was also granted to apply for regular/anticipatory bail, directed to be considered as per the existing precedents of this Court.

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Reason:

2. Before us, Shri Ashish Pandey, learned Counsel appearing for the petitioners would point out that the dispute if at all is civil in nature and there is no cause for initiating a criminal complaint. It is also argued that there are three different cases filed before various courts on the very same set of facts.
3. Shri Ardhendumauli Kumar Prasad learned Senior Counsel appearing for the 3rd respondent would contend that there was clear cheating involved in denying the refund, which was already granted, but surreptitiously credited to another person's account of the same name. The persistent demand for refund even after it was paid was a result of a collusion and conspiracy entered into between the accused to cheat the corporate entity, the 3rd respondent represents. It is also submitted that the corporate entity is now before the National Company Law Tribunal (for brevity, 'NCLT') and the Interim Resolution Professional appointed by the NCLT has filed an impleading application.

4. At the outset, we allow IA No. 320742 of 2025 filed for impleading the Interim Resolution Professional.
5. Admittedly, three FIRs were registered in three different places as is revealed from paragraphs 11 and 12 of the counter affidavit filed by the respondents 1 and 2, the State and the Police Department. Paragraphs 11 and 12 are extracted hereunder:

“11. It has further been revealed that the Complainant in this case i.e. Nikhil Garg has earlier filed the application u/s 156(3) Cr.P.C. before the Court of Ld. CMM, Karkardooma Court, being CC No.1971 /2023 seeking direction to SHO P.S. Madhuvihar, Delhi for registration of FIR against Rajiv Kumar s/o Jagdish Kumar and Rajiv Kumar s/o Ram Aasre, in which vide order dated 13.09.2024, the Ld. JMFC-04, Karkardooma directed registration of FIR against Rajiv Kumar s/o Jagdish Kumar and Rajiv Kumar s/o Ram Aasre, against which the Petitioner No.2 herein filed Crl. Revision No. 206/2024 wherein vide order dated 01.10.2024 passed by Addl. Sessions Judge-II, Shahdara, Karkardooma, Delhi, the operation of the above order dated 13.09.2024 of Ld. JMFC-04 had been stayed.

12. *It has further been revealed that the Complainant in this case i.e. Nikhil Garg has also filed an the application u/s 173(4) Cr.P.C. being C.C. No. 19488/2025 dated 05.05.2025 on same facts before the Coutl of Ld. CJM, Agra, seeking direction to SHO Hariparvat, Agra for registration of Fl R against Rajiv Kumar s/o Jagdish Kumar and Rajiv Kumar s/o Ram Aasre, in which the Ld. CJM sought a report from P.S. Hariparvat Agra in compliance of which, a report dated 08.05.2025 was submitted to the Ld. CJM by P.S. Hariparvat Agra stating that that the dispute between the parties was civil in nature and the complainant in that case Nikhil Garg was trying to give criminal color to a civil dispute. Subsequently, the said application was disposed by the Ld. CJM as not pressed.”*

6. The proceedings in the FIR referred to in paragraph 11 have been stayed by the Additional Sessions Judge and that referred to in paragraph 12 has been withdrawn as not pressed. It is the submission of both parties that the proceedings which were sought to be quashed before the High Court, the order rejecting which is impugned herein, has proceeded to the stage of filing of

chargesheet which again is clear from paragraph 17 of the counter affidavit of respondents 1 and 2 which is also extracted hereunder:

*“17. It is pertinent to mention that after investigation, the I.O. has concluded the investigation and submitted in the concerned Court on 11.09.2025 a Final Report No. 144/2025 dated 07.07.2025 in connection with FIR bearing Case Crime No. 396/2025, P.S. Tajganj, Agra concluding that the allegations levelled by the complainant against the accused persons have not been substantiated from the investigation. True translated copy of Final. Report in Case Crime No. 396/2025, P.S. Tajganj, District Agra is annexed herewith and marked as **ANNEXURE CA-1 (Pg 9 to 19).**”*

7. The parties are *ad idem* that the other proceedings as referred to in paragraphs 11 and 12 need not be proceeded with. The proceedings by way of C.C. No. 19488 of 2025 filed before the learned Chief Judicial Magistrate, Agra has already concluded since it was not pressed. The proceedings before the learned Chief Magistrate, Karkadooma Court, C.C. No.1971 of 2023

shall also stand closed, without prejudice to the contentions of either of the parties. The Additional Sessions Judge-II, Shahdara, Karkardooma, Delhi shall also dispose of Criminal Revision No. 206 of 2024 filed before him as not pressed. Insofar as the present proceedings in CC No. 396 of 2025 from Police Station Tajganj, District Agra, chargesheet has been filed, in which circumstance, there is no reason why the petitioners should be taken into custody.

8. The petitioners shall appear before the jurisdictional court within a period of one month from today upon which they shall be granted bail and the charges read over on the same day. The bail shall be granted on such conditions as are found satisfactory by the jurisdictional court, at its discretion. It is further directed that the petitioners cooperate in the expeditious disposal of the case.
9. The complainant will be entitled to be represented by the Interim Resolution Professional, who would also be entitled to seek the summoning of any of the former Officials/Directors/responsible persons, conversant

with the subject matter of the offence prosecuted, to be examined as witnesses.

10. With the above directions, the Special Leave Petition is disposed of.

11. Pending application(s), if any, shall also stand disposed of.

..... J.
(AHSANUDDIN AMANULLAH)

..... J.
(K. VINOD CHANDRAN)

NEW DELHI;
JANUARY 06, 2026.