



2026:DHC:9002



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 07.10.2026

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CNR No. DLHC010482592026

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CRL.M.C. 7514/2026

HARSHITA MANN

.....Petitioner

Through: Mr. R.P. Luthra, Mr. Himanshu Luthra,
Mr. Akshay Goswami and Mr.
Prashant Giri, Advs.

versus

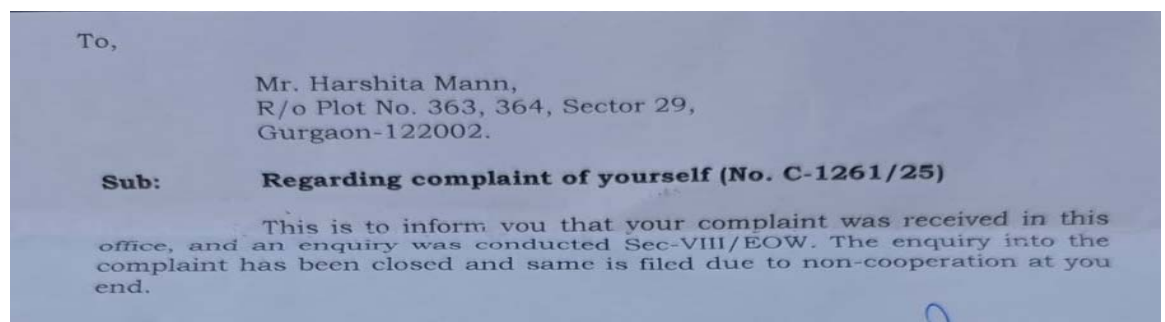
STATE (NCT OF DELHI) & ORS.

.....Respondents

Through: Mr. Hemant Mehla, APP for State
along with Mr. Mayank Chaudhary,
Mr. Naved, Advs.
SI Mukesh Chauhan, PS EOW.

CORAM:**HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (Oral.)**

1. The petitioner, who was a director of M/s Feeding Billions Pvt. Ltd. ("company") has invoked Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS") assailing a communication/ closure decision dated 19.01.2026 ("impugned communication") passed by the Assistant Commissioner of Police – Economic Offences Wing ('EOW'), Delhi by which her complaint was 'closed'. The said communication/ closure decision dated 19.01.2026 reads as under:

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Signing Date: 11.10.2026
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2. The petitioner's complaint dated 25.02.2025, initially submitted before the EOW, Gurugram, and subsequently transferred to the EOW, Mandir Marg, Delhi, alleges that her husband and certain other persons forged her signatures on various documents and diverted a substantial amount of the company's funds. It is submitted that, despite the said complaint, no FIR has been registered till date.
3. The petitioner states that she joined the inquiry and even submitted a written reply, yet, the impugned communication was issued.
4. It is noticed that the communication dated 19.01.2026 is not a judicial order, as it merely records the closure of a preliminary inquiry.
5. Where the police fail to register an FIR despite the complaint disclosing the commission of a cognizable offence, the BNSS provides a complete statutory remedy. The complainant may forward the substance of such information, in writing and by post, to the Superintendent of Police (or the DCP concerned), under Section 173(4) of the BNSS¹, seeking registration of the FIR in accordance with law.
6. Failing such action, the petitioner may apply to the Magistrate under Section 175(3) BNSS.²
7. It is noticed that the petitioner has not availed of either remedy.
8. The question whether the complaint discloses cognizable offences will

¹ (4) Any person aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in sub-section (1), may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Sanhita, and such officer shall have all the powers of an officer in charge of the police station in relation to that offence failing which such aggrieved person may make an application to the Magistrate.

² (3) Any Magistrate empowered under Section 210 may, after considering the application supported by an affidavit made under sub-section (4) of Section 173, and after making such inquiry as he thinks necessary and submission made in this regard by the police officer, order such an investigation as above-mentioned.



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necessarily need to be considered by the concerned authority and/or the Magistrate, upon the petitioner availing the aforesaid remedies.

9. Accordingly, the petition is disposed of with liberty to the petitioner to avail of the aforesaid remedies. If a representation is made by the petitioner to the DCP, EOW, the same shall be considered and decided expeditiously, without being influenced by the impugned communication dated 19.01.2026.

10. Nothing in this order shall be construed as an expression of opinion of this Court of the merits of the controversy.

11. The petition is disposed of in the above terms.

SACHIN DATTA, J

OCTOBER 7, 2026/cl

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