



2025:DHC:5680



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

Date of Decision: 16.07.2025

+ W.P.(CRL) 2169/2025 & CrI.M.A. 20224-25-26/2025

BABLI INVESTMENTS PRIVATE LIMITEDPetitioner

Through: **Mr. Abhishek Garg & Mr. Yash Gaiha, Advocates**

Versus

STATE OF NCT OF DELHI & ORS.Respondents

Through: **Mr. Sanjeev Bhandari, ASC for State with SI Raj Kiran Ms. Ashima Nayyar- Complainant in person**

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

SHALINDER KAUR, J (ORAL)

1. The present criminal writ petition under Article 226 and 227 of the Constitution of India, read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the petitioner seeking quashing of the Order dated 08.07.2025 passed by the learned Judicial Magistrate First Class ('JMFC'), whereby direction has been issued to release / transfer of amount of Rs. 4,75,70,000/-, lying in the bank account of the petitioner, to the bank account of respondent no.2 – Ashima Nayyar.

2. The petitioner is also challenging the process and manner of marking of lien on the bank Account No. 219605000355 of the



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petitioner, maintained with ICICI Bank Limited, on the direction of respondent No. 1- Investigating Officer, without any formal notice to the petitioner. A direction is sought to respondent no. 1- Investigating Officer, to remove the lien marked on the bank account of the petitioner,

3. It is submitted by learned counsel for the petitioner that on 20.06.2025, the petitioner was informed by its Bankers that a lien of Rs.4,07,43,440/- was marked on its bank account maintained with ICICI Bank at Thane on the instructions of Investigating Officer, Special Cell, Delhi Police, IFSO Dwarka, Delhi.

4. The petitioner's Directors visited the office of the respondent No.1 at Dwarka where they were informed that an e-FIR No. 00018/2025, dated 19.06.2025, under Sections 318(9), 319, 340 of Bharatiya Nagarik Suraksha Sanhita, 2023 Act has been registered before the Cyber Crime Unit by respondent No.2 - Ashima Nayyar, in respect of some cheating in purchase and sale of shares by Mr. Sneh Kirti Nagda. Further, the Investigating Officer informed that no investigation was pending against the petitioner.

5. Thereafter, the petitioner preferred an application under Section 497 read with Section 106 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) dated 07.07.2025 before the learned JMFC seeking removal of lien marked on the bank account of the petitioner and restraining the respondent from parting away/ transferring / alienating the funds maintained in the said account of the petitioner during pendency of the said application. Notice of the application was issued to the opposite side and the matter is now listed on 18.07.2025.



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However, amidst pendency of petitioner's application, *vide* Order dated 08.07.2025, the learned JMFC directed forthwith for transfer of the amount of Rs.4,75,70,000/- from the account of the petitioner, to the account of Respondent No.2/ Complainant- Ashima Nayyar through electronic mode. In a total span of three weeks, a sum of approximately Rs.4crores has been ordered to be released from the account of the petitioner, who has no direct connection or transaction with the Respondent No.2/ Complainant.

6. Learned counsel for the petitioner has submitted that during pendency of petitioner's application, the directions passed by the learned JMFC are bad in law, as the directions to transfer the funds have been issued without affording an opportunity of hearing to the petitioner.

7. Mr. Sanjay Bhandari, learned Additional Standing Counsel for respondent No.-1 State, has appeared on advance notice and he submits that in all fairness, the petitioner has to be given an opportunity of hearing by the learned JMFC on its application dated 07.07.2025.

8. Learned counsel for respondent No.2/Complainant, appearing on advance Notice, has also tendered no objection to it.

9. In view of the fact that notice on petitioner's application dated 07.07.2025 was issued to the opposite side for 18.07.2025 and the impugned order was passed on 08.07.2025, without giving an opportunity of hearing to the petitioner, the operation of impugned order dated 08.07.2025 is kept in abeyance till disposal of petitioner's application dated 07.07.2025 by the learned JMFC.



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10. Parties are directed to appear before the learned JMFC on 18.07.2025, who shall hear both the sides on the application filed by the petitioner and pass appropriate Order in accordance with the law.

11. With aforesaid directions, the present petition and pending applications are accordingly disposed of.

12. A copy of this Order be given *dasti* under the signatures of Court Master to learned counsel for the parties.

SHALINDER KAUR, J

JULY 16, 2025/r