



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Reserved on: 24th February, 2025*
Pronounced on: 23rd May, 2025
+ **W.P.(CRL) 355/2025 & CRL.M.A. 3087/2025**

RAJIV DAWAR

S/o Late Sh.A.S.Dawar
A-218, LGF, Defence Colony,
New Delhi

.....Petitioner

Through: Mr. Harshit Vashisht and Mr.
Lakshay Seth, Advocates.

Versus

1. **THE STATE NCT OF DELHI**Respondent No. 1

Through
The Deputy Commissioner of Police (DCP),
Economic Offences Wing (EOW)
Mandir Marg, New Delhi

2. **THE STATE NCT OF DELHI**Respondent No. 2

CGO Complex,
Lodhi Road, New Delhi

Through: Mr. Amol Sinha, ASC for the State
with Mr. Kshitiz Garg, Mr. Ashvini
Kumar, Mr. Rahul Kochar, Ms. Chavi
Lazarus and Ms. Sanskriti Nimbekar,
Advocates and Insp. Sandeep Maan
P.S. EOW.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Writ Petition under Article 226 and 227 of the Constitution of India read with Section 528 BNSS has been filed for quashing the Administrative Order dated 14.10.2024 passed by Respondent No.1/EOW, whereby, the



Case File pertaining to FIR No.06/2023 under Section 406/420/120B IPC registered at P.S. EOW and all connected documents, have been transferred to Respondent No.2/ SFIO.

2. **Briefly stated**, the WTC Noida Development Company Pvt. Ltd. issued a Public Advertisement in 2013 calling the public/investors at large to invest and purchase units/space in their upcoming project WTC Noida. Petitioner booked two units/spaces in the said Project on 10.10.2013. Between 2013 and 2020, the accused Company, i.e. WTC Noida, and its Directors failed to carry out any construction and misused the money received from the investors/customers including the petitioner.

3. In the year 2021, one Vishvendra Singh approached Respondent No.2 SFIO as well as Respondent No.1 EOW intimating about the illegal acts of the accused Company and its Directors. Investigation was ordered against WTC Noida and its officials, by the Ministry of Corporate Affairs on 14.10.2021, which got initiated by Respondent No.2 /SFIO.

4. Subsequently, an FIR No.06/2023 under Section 406/420/120B IPC was registered at P.S. EOW on the Complaint of Mr. Vishvendra Singh. Accused *Ashish Bhalla (Director WTC Group)* filed a quashing Petition being CRL. M.C.298/2023 before this Court and an *interim Order of stay of arrest*, were made in his favour on 17.01.2023.

5. The Petitioner gave a detailed Complaint dated 21.03.2023 against the illegal acts of the accused Company and its Directors to the Respondent No.1/EOW. Similarly, around 140 other Complainants also reported the



matter to the Respondent No.1/EOW, which were directed to be tagged along with FIR No. 06/2023.

6. The Petitioner assailed Order dated 17.01.2023 before the Hon'ble Supreme Court of India *vide* SLP (Criminal) No. 7374/2023, wherein directions were given to this Court to dispose of CRL.M.C.298/2023 within four weeks on 21.07.2023. Final judgment was thereby given by this Court on 15.09.2023, whereby FIR No.06/2023 was quashed only against Ashish Bhalla. On 22.09.2023, the Hon'ble Supreme Court of India observed that the all rights and contentions of the parties are kept open and it was open for the Petitioner and aggrieved parties to take such remedies as are available in law for their grievance.

7. On 15.12.2023, Petitioner preferred an Application under Section 156(3) Cr.P.C. seeking monitoring of investigation on his Complaint dated 21.03.2023 made to Respondent No.1/EOW. Learned ACMM, New Delhi from February, 2024 to November, 2024, made serious observations against the callous manner in which investigation was progressing in the matter. The misdeeds and problematic nature of the investigation Agency were noted and directions were given to the IO to bring the investigation to a logical conclusion.

8. *Various Status Report* was filed by IO as well as Senior Police officials between 02.02.2024 till October, 2024. Contempt Petition (Civil) No. 868/2024 was also filed in this Court stating that investigation in the matter is ongoing and Notices have been issued to various officials of



accused company. This Court *vide* Order dated 28.10.2024 clarified that there is no stay on the investigation to be carried out by the EOW.

9. The Status Report was filed by the IO on 14.10.2024 and was taken on record. The ***Administrative Order was passed on 14.10.2024, whereby all the files have been transferred to Respondent No.2/SFIO.***

10. The Petitioner has thus, by way of present petition challenged the impugned Administrative Order dated 14.10.2024 on the ground that the said Order is contrary to the facts and merits of the case.

11. It suffers from patent illegality and has been passed without proper application of mind. The approach and conduct shown by the Police officials of Respondent No.1/EOW, at every level, in the present case, reeks of *mala fide*, abuse of power and highlights that the investigation, right from the beginning, has been carried out in a tainted manner. The police officers have investigatory power, which is exercised in breach of statutory provisions putting the personal liberty or the property of the citizen in jeopardy by illegal and improper use of the power. There is abuse of investigatory power and process by the police. Reference has been made to *A. V. Bellarmin Vs. Mr. V. Santhakumaran Nair*, CRL. O.P. (MD) No. 12212/2013 passed by the Hon'ble Madras High Court.

12. It is claimed that Respondent No.1/ EOW did not understand that the Police play a pivotal role in safeguarding the freedoms of the citizens. Reliance has been placed on book by Lord Denning, i.e. '*The Due Process of Law, First Indian Reprint 1993*', wherein, at Page No. 102, the role of the



Police has been described and it is observed that the society for its defence needs a well-led, well-trained and well-disciplined force of Police whom it can trust and enough of them to be able to prevent crime before it happens.

13. The primary responsibility of the police is protection of life, liberty and property of citizens. The Respondent No.1/EOW did not appreciate that bias attributed on the part of an investigator, may lead to a deception leading to injustice. It has not been appreciated that action upholding *Rule of Law*, is *sine qua non* of criminal investigation.

14. The impugned Order dated 14.10.2024 is pursuant to some mala-fide intention of the concerned IO as well as the ACP who, without any reason or justification, had transferred the investigation in the present matter. The judgment dated 15.09.2023 passed by this Court in CRL.M.C.298/2023 has been wrongly interpreted.

15. It is the impugned Administrative Order dated 14.10.2024, which is completely laconic and is distinguishable both on facts as well as law. The directions were given to transfer FIR in question and other material documents collected during investigation to Respondent No.2/SFIO. Despite the above clear and specific observations made in judgment dated 15.09.2023, Respondent No.1/ EOW vide the impugned Administrative Order, unilaterally transferred all the Complaints made by several innocent victims as well as the ongoing investigation in the matter to Respondent No.2/SFIO.



16. The impugned Order directing the transfer of all the Complaints including that of the Petitioner to Respondent No.2/SFIO has been made despite it being clarified in the final Order dated 17.08.2023 that the Complaint dated 14.06.2021 made by Mr. Vishvendra Singh to the Secretary, MCA and SFIO has already been closed. Therefore, the present petition has been filed and there was no doubt about the maintainability of the present petition. It is submitted that it is imperative that impartial and truthful investigations be conducted to prevent the Petitioner's right of personal property and the impugned Order be set aside.

17. **Status Report** has been filed *on behalf of Respondent No.1/EOW*, wherein, it is stated that the Complaints of Mr. Vishvendra Singh, being Authorized Representative of initial 10 Complainants and 06 other Complaints were received at P.S. EOW and the FIR No.06/2023 under Section 406/420/120B IPC was registered at P.S. EOW on 12.01.2023.

18. After registration of the case, more than 140 complaints including that of the Petitioner were received and clubbed with the FIR. Ashish Bhalla sought quashing of FIR against him. During the pendency of CRL.M.C.298/2023, investigation was conducted, Complainants were examined and relevant documents, i.e. self-attested copies of the Buyer Builder Agreement, payment receipts, Brochure of WTC CBD, etc. were obtained from the Complainants. Ashish Bhalla was interrogated and requisite documents were taken on record.



19. ***CRL.M.C.298/2023***, filed by ***Ashish Bhalla*** for quashing of ***FIR***, was ***allowed*** vide judgment dated 15.09.2023 and the FIR vis-a-vis Ashish Bhalla alone was quashed and directions were given to transfer all the documents available with the Investigation Officer to SFIO within four weeks.

20. Mr. Vishvendra Singh had challenged the aforesaid judgment by filing SLP (CRL) No.327/2024, but it was dismissed on 02.02.2024.

21. In the meanwhile, investigation of the case continued regarding the role of other accused persons. During this time, Poulame Roy, Neena Roy, Vishal Sikarwal and Mr. Sherif Munif Khan, current Directors of WTC Noida Development Company Pvt. Ltd. were given Notice to join investigation along with the relevant documents.

22. In compliance of judgment dated 15.09.2023, investigation of case FIR No.06/2023 along with the original documents was transferred to Respondent No.2/ SFIO, on 14.10.2024. The applicant Rajiv Dawar, Complainant Vishvendra Singh and the learned JMFC, New Delhi were informed about the transfer of the case to SFIO on 19.10.2024.

23. ***Cont. CAS (C) No. 868/2024*** was filed but was disposed of vide Order dated 28.10.2024 by observing that there is no interim Order staying the investigation by this Court; the Investigation Agency shall continue with the investigation as also the legal proceedings against the accused party before the Court in accordance with law. The Contempt petition was consequently disposed of on 07.02.2025, as not pressed.



24. It is submitted that transfer of investigation to SFIO has been made vide Administrative Order dated 14.10.2024 in compliance of judgment dated 15.09.2023 passed by this Court.

25. **Submissions heard and record perused.**

26. This Court in its Order dated 15.09.2023 has in detail considered the contentions raised by Ashish Bhalla and it was observed that Mr. Vishvendra Singh had made an earlier complaint containing identical facts on which SFIO has already started investigation.

27. It was held that the second Complaint filed by Mr. Vishvendra Singh was identical to his first Complaint against Ashish Bhalla and he cannot be subject to two proceedings/investigations in respect of the identical Complaint.

28. It is in this context, that the following Order was made:

“93. Accordingly, in view of the aforesaid legal and factual position, this Court is thus proceeding to quash the FIR No. 06/2023 dated 12.01.2023 registered under Section(s) 406/420/120-B IPC at P.S. EOW, New Delhi qua the petitioner i.e., Mr. Ashish Bhalla only. Further, in view of Section 212(17)(a) of the 2013 Act, all the documents available with the Investigating Officer, EOW shall be transferred to the Serious Fraud Investigation Office Head Quarter, New Delhi, within a period of four weeks from today, which is already seized of the complaint and investigation thereof (ongoing) against WTC group of Companies ordered by the Ministry of Corporate Affairs vide order dated 14.10.2021 under Section 212 of the Companies Act, 2013.

94. Accordingly, in view of the above the petition stands disposed of alongwith pending applications, if any.

95. Copy of this order be sent to SFIO HQ, New Delhi and S.H.O., EOW, New Delhi.”



29. The bare perusal of this final Order, is absolutely explicit and needs no clarification that the FIR No.06/2023 has been quashed only vis-a-vis Ashish Bhalla and only because identical Complaint is already pending before SFIO.

30. It is quite evident that it is only vis-a-vis Ashish Bhalla that the FIR No.06/2023 has been quashed leaving it to be decided, investigated and adjudicated by SFIO. There were no directions for transfer of the Complaints of all other persons to SFIO and there was no inhibition imposed on EOW to continue investigations on the other Complaints.

31. It is abundantly clear from the judgment dated 15.09.2023 that the investigations in the Complaints filed by other Complainants against WTC Noida Developers and its Directors, be continued with the FIR No.06/2023 since it has been quashed only vis-a-vis Director/Ashish Bhalla. No further directions are required.

32. Petition along with pending Application(s), if any, is disposed of accordingly.

**(NEENA BANSAL KRISHNA)
JUDGE**

MAY 23, 2025/R