



2026: AHC-LKO:19510

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 528 BNSS No. - 261 of 2026

Madhur Mittal and Another

... Applicant(s)

Versus

State of U.P. Thru. Prin. Secy. Home Lko. And 3 Others

**...Opposite
Party(s)**

Counsel for Applicant(s) : Alok Kumar Mishra

Counsel for Opposite Party(s) : G.A., Akash Mishra

*Reserved: 25.02.2026
Pronounced: 18.03.2026*

Court No. 12

HON'BLE PANKAJ BHATIA, J.

ORDER

1. Present application has been filed under Section 528 BNSS challenging the notice dated 05.01.2026 issued by respondent no.2 (Annexure No.1) in purported exercise of power under Section 35(3) of BNSS in pursuance to a complaint made by respondent no.4, and the consequential notices.

2. Shri Manish Tiwari, learned Senior Advocate appearing for the applicants has strenuously argued that the entire proceedings initiated at the behest of respondent no.4 are nothing but an abuse of process of law and respondent no.4 has unfortunately taken recourse of criminal prosecution in respect of claims which are essentially civil in nature. It was argued that respondent no.4 claims to having deep roots in the administration in the State and has misused the said powers and

unfortunately respondent no.2 has acted upon the said complaint which in terms of the complaint filed are essentially indicating the civil disputes *inter se* and that too not with the applicants.

3. It is argued that respondent no.2 - Special Task Force - was constituted under the Government Order No.1889(1)VI-Pu-2-98-1100(35), Dated 04.05.1998 by the Hon'ble Governor with a view to tackle growing Mafia and gangs and to act against them based upon information received, to act against forces which are disruptive and to act in support and in coordination with the police authorities against the notified gang of dacoits and also against inter district crimes. It is further argued that in terms of the Government Order dated 04.05.1998, the jurisdiction of the Special Task Force (*for short* 'STF') is specified in Clause 2, which is as under:

“2. बल की शक्तियां एवं दायित्व

(i) स्पेशल टास्क फोर्स द्वारा उ०प्र०पुलिस बल की किसी भी शाखा अथवा इकाई से आपराधिक अभिसूचना व अन्य विवरण प्राप्त किये जा सकेंगे।

(ii) पुलिस महानिदेशक द्वारा चिन्हित माफियाओं / गिरोहों / डकैतों / विघटनकारी तत्वों /खुफिया एजेंटों के विरुद्ध कार्यवाही हेतु स्पेशल टास्क फोर्स क, अपने कार्य क्षेत्र में Search, Seizure, गिरफ्तारी, अभिरक्षा, कुर्की पेचना की वही शक्तियां प्राप्त होंगी, जो, द०प्र०सं० एवम् अन्य विधियों के अधीन पुलिस अधिकारिया को प्राप्त हैं। साथ ही स्पेशल टास्क फोर्स अपने कार्यक्षेत्र में स्थित किसी भी थाने में उक्त श्रेणी के व्यक्तियों के विरुद्ध अभियोग पंजीकृत कराते हुए उसकी विदेवना स्वयं गृहण करने एवम् द०प्र०सं० के प्राविधानों अनुरूप पूर्ण करने हेतु सक्षम होगी।”

Structure of the STF is specified in Clause 3 of the said Government Order which is not relevant in the present case.

4. It is argued that genesis of the claim in terms of the complaint filed by respondent no.4 and enclosed along with the counter affidavit by the State, is essentially a civil dispute. It is argued that with regard to the property in question the Yamuna Expressway Industrial Development Authority (*for short* 'YEIDA') floated a scheme for allotment of residential township at Greater NOIDA. A bid was made by four companies namely:

- (i) M/s Anova Infracon Pvt. Ltd.,
- (ii) M/s Prismatic Developers Limited,
- (iii) M/s Indo Infracon Pvt. Ltd. &
- (iv) M/s Vipul Ltd.,

who all in turn, formed a Special Purpose Vehicle (*for short 'the SPV'*) in the name and style of M/s Adore Infrasmith Pvt. Ltd.

5. It is stated that subsequently the four constituents of the SPV had some internal disputes for which petitions were filed before the Company Law Board. It is also stated that subsequently an MOU was entered into on 19.07.2019 in which apart from the constituents one company known as M/s Energy Building Solutions Pvt. Ltd. (*for short 'M/s Energy'*) proposed to acquire the two constituents companies namely M/s Anova Infracon Pvt. Ltd. and M/s Prismatic Developers Limited for a sale consideration disclosed. The said MOU contained an arbitration clause also which is contained in Annexure – P5.

6. It is stated that the proceedings took before the Company Law Board, however, there were failure on the part of M/s Energy in complying with their obligations for which a second MOU was entered into on 25.01.2024 (Annexure – P8). It is claimed by the applicants that there were default once again by M/s Energy. The said *inter se* disputes are engaging attention before the Company Law Board and various forums.

7. It is stated that on the one hand the internal disputes were engaging the attention, however, the SPV which is a separate and distinct company, fell into disputes with YEIDA and against an order dated 20.06.2024, a writ petition came to be preferred before this Court being Writ – C No.8858 of 2024 challenging the order dated 20.06.2024 passed under Section 41(3) of U.P. Urban Planning and Development Act read with U.P. Industrial Area Development Act. It is claimed that M/s Energy intervened in the said writ petition by filing an intervention application on 17.10.2024 which was also opposed. It is also stated that M/s Energy also intervened in the proceedings before NCLT, Delhi.

8. It is stated that subsequently this Court vide its judgment dated 18.12.2024 decided the writ petition filed by the SPV in their favour and with regard to M/s Energy, which had filed an intervention application, the claim was disposed off observing that the intervenor would be entitled

to recover any amount allegedly payable to them in accordance with law. The said judgment is on record as Annexure – P14.

9. It is further stated that against the judgment dated 18.12.2024, M/s Energy preferred an SLP being Diary No.4860 of 2025 (Indo Infracon Pvt. Ltd. & Anr. v. State of U.P. & Ors.). The Supreme Court vide its order dated 24.02.2025 upheld the findings given by the High Court in Para 59 to the following effect:

“Permission to file SLP is granted.

Dr. Surat Singh appears for the petitioner and makes submissions.

In view of what is observed in paragraph 59 of the impugned judgment, we find that no case for interference is made out especially when the High Court has granted liberty to the petitioners in SLP to proceed against the petitioners before the High Court to recover the amount allegedly payable to them in accordance with law.

As the remedies of the petitioners have been protected under the impugned judgment, no case for interference is made out.

The Special Leave Petition is accordingly disposed of.

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

10. It is also stated that further proceedings were taken by M/s Energy before the NCLT and before Delhi High Court. It is further stated that at this stage after the dismissal of the SLP filed by the M/s Energy, respondent no.4 stepped in and claims that certain amounts were paid by respondent no.4 to M/s Energy which are detailed in Para 25 of the counter affidavit filed by respondent no.4. All the amounts indicated in Para 28 were paid w.e.f. 28.02.2025 i.e. after the dismissal of the SLP by the Hon’ble Supreme Court. It is argued that respondent no.4 instead of trying to intervene in the proceedings adopted a novel method of filing a complaint directly with respondent no.2 – the STF – which is annexed Annexure CA1 of the counter affidavit filed by the State.

11. In terms of the complaint it was stated that the applicant had called respondent no.4 to have a meeting on 25.11.2025, and allegedly some threats were issued there at JW Marriott Hotel, New Delhi. It is stated that thereafter when the complainant was going in his car at Noida, he was chased and threatened. In the same complaint it is also stated that when on 31.10.2025 one of the complainants had gone to Lucknow, some unknown persons chased him and threatened him.

12. Surprisingly, in the complaint it was stated in Para 3 that one of the persons sitting in the car could be identified as brother of applicant no.1 and the other appeared to be the associate of the person Anurag Bajpai to whom the amounts were paid by respondent no.4. It is stated that thereafter unknown international calls were received at the phone number of the complainants.

13. Surprisingly, it was stated in Para 6 of the complaint that after the threats were issued, it was felt that as the complainant had invested very heavily in the property allotted by YEIDA to the tune of Rs.29 crore and odd paid to one Anurag Bajpai and his wife because of which threats were being issued.

14. On the basis of the said allegations it was requested that respondent no.2 should take action against the persons named. It is further argued that in terms of the said complaint, respondent no.2 without even registering any FIR or directing the complainant to register an FIR, proceeded to issue notice to the applicants in purported exercise of powers under Section 35(3) of BNSS referring that a complaint has been made by respondent no.4 for which inquiry is necessitated and the applicants were called to visit the offence on 12.01.2026. It was further directed that the applicants should not repeat the same offence or destroy the evidence and should not interfere in the investigation nor should they leave India. The said notice dated 05.01.2026 is under challenge.

15. Submission of learned counsel for the applicants is that knowing very well that the SLP filed by M/s Energy has been dismissed and only recourse open to M/s Energy is to recover the dues in accordance with law, respondent no.4 has apparently purchased their disputes and with a view to arm twist the SPV as well as the applicants took recourse by approaching respondent no.2 directly. It is argued that respondent no.4 has purchased a litigation and knowing well that he would not have any claim on the civil side as he was neither the shareholder nor a constituent of the SPV, took recourse of the criminal proceedings.

16. It is argued that even in terms of the complaint, the first meeting in which the alleged threats were issued took place at Delhi on 25.11.2025

for which no FIR/complaint whatsoever was ever made; second incident allegedly took place at Noida for which once again no complaint was lodged and another incident allegedly took place at Lucknow for which once again no FIR/complaint was ever filed and the complaint actually came to be filed on 22.12.2025.

17. It is further argued that in terms of the admission contained in the affidavit filed by respondent no.4, no amounts whatsoever was ever paid to the applicants as is clear from the admissions of Respondent no 4 made in Para 28 of the affidavit filed by Respondent No.4 before this court; all the amounts were paid to one Anurag Bajpai, his wife or his group of companies and thus, the alleged recovery sought through taking recourse of the complaint knowing fully well that civil proceedings against the applicants or even the SPV would itself not be maintainable .. It is, thus, argued that the entire proceedings initiated at the instance of respondent no.4 and the notices issues are nothing but an abuse of process of law and thus, they are liable to be quashed.

18. On the other hand, Shri S.M. Singh Royekwar, learned A.A.G. filed an affidavit and very fairly states that no FIR or complaint has been registered and only because the complaint contained certain assertions of international calls being made, the applicants were called for clarifying the same. He in all fairness stated that the complaint essentially relates to recovery of money by respondent no.4 with which respondent no.2 have no concern. It is also admitted that the scope of working of respondent no.2 is contained and flows from Government Order dated 04.05.1998 under which the STF has been constituted.

19. In rejoinder to the counter affidavit filed by the State, the applicants have specifically stated that in the entire counter affidavit, nothing has been stated as to how a complaint by a private individual could be entertained or was directly maintainable before respondent no.2. It is further argued that in the notice under Section 35(3) BNSS how could it be asserted that the applicants should not repeat the offence or destroy the evidence when no offence was even alleged. It is stated that even otherwise the assertions made in the complaint with regard to the

meetings which are wrong and flow out of figments of imagination. It is stated that applicant no.1 was admitted for kidney related treatment and was discharged on 12.10.2025 he is also suffering from third stage cancer.

20. Learned counsel for respondent no.4 has filed an affidavit for dismissal of the application mainly on the ground that an application under Section 528 BNSS would not be maintainable. It is argued that the applicants have concealed the fact that the YEIDA has also filed an SLP being SLP being Petition(s) for Special Leave to Appeal(c) No(s).114 of 2025 which is still pending consideration before the Hon'ble Supreme Court and this fact has been deliberately concealed. It is, thus, argued that for material concealment also, the application is liable to be dismissed.

21. It is further argued that even the entire Whatsapp Chat in between applicant no.1 and respondent no.4 have not been annexed. It is argued that Section 35(3) BNSS is identically worded as Section 41A(1) of Cr.P.C. and empowers the police officer to issue such notices. It is argued that the investigation is a statutory function of the police and even if there is no FIR registered and no coercive steps have been taken, exercise of inherent powers under Section 528 BNSS would be bad in law.

22. Reliance is placed upon a judgment of the Hon'ble Supreme Court in the case of ***State of Bihar v. J.A.C. Saldanna; 1980 ACC 279 SC : AIR 1980 SC 326*** to argue that the investigation of an offence is exclusively reserved in the executive through police department.

23. Reliance is also placed upon a Full Bench decision in the case of ***Ramlal Yadava v. State of U.P.; 1989 SCC OnLine All 73*** to argue that the powers cannot be exercised. It is further argued that in a specific judgment of the Hon'ble Supreme Court in the case of ***Abhishek v. State of M.P.; (2023) 16 SCC 666*** although it has been held that an application under Section 482 Cr.P.C. is maintainable for quashing of the FIR but the same would not be maintainable against the impugned order. He, thus, argues that exercise of powers by respondent no.2 is wholly justified.

24. To argue that at the stage of investigation judicial interference should be avoided, reliance is placed upon judgment of the Hon'ble

Supreme Court in the cases of ***Satvinder Kaur v. State (Govt. of NCT of Delhi)***; (1999) 8 SCC 728 and ***P. Chidambaram v. Directorate of Enforcement***; (2019) 9 SCC 24.

25. In Para 28 of the counter affidavit filed by respondent no.4 it is specifically stated that the amount of Rs.29 crore and odd was paid by the company of which respondent no.4 is partner in favour of Mr. Anurag Bajpai, Ms. Sudha Bajpai & M/s Indo Infracon Private Limited towards the acquisition of equity shares of the allied rights, however, there is no averment as to whether any shares were actually transferred.

It is also stated that respondent no.4 has made substantial investments for which the applicants had undertaken to take over the share of M/s Indo Infracon Private Limited by any means whatsoever.

26. It is also stated that two complainants had received calls from international numbers threatening the complainants for which the jurisdiction of respondent no.2 was invoked. It is further submitted that one of the employees of the other complainant Sikandar Maan had filed a complaint before DCP (Crime), Jhajjar on 24.09.2025, however, no action was taken thereupon.

27. Learned counsel for the applicants argues that preliminary objection with regard to maintainability is liable to be rejected. To argue that the inherent power under Section 482 Cr.P.C. / Section 528 BNSS may be exercised for quashing proceedings where the Court finds that a case is made out to *prevent abuse of the process* or to *secure the ends of justice*, reliance is placed upon the judgment of the Hon'ble Supreme Court in the case of ***State of Karnataka v. L. Muniswamy & Ors.***; (1977) 2 SCC 699.

28. It is further argued that even in the case of ***Madhu Limayee v. State of Maharashtra***; (1977) 4 SCC 551 the Hon'ble Supreme Court had laid down the guiding principles for exercise of inherent powers.

29. It is further argued that the remedy under Art. 226 of Constitution is generally not exercised when alternative remedy is available.

30. It is stated that judgment of this Court in the case of ***Ramlal Yadava*** (*supra*) was in context of the amendment carried out in the Cr.P.C. in the

year 1976 whereby the provisions for anticipatory bail were explicitly excluded in the State of Uttar Pradesh and the citizens had no recourse except to approach the High Court under Art. 226 of Constitution and to fill the said vacuum, petitioners were being entertained under Art.226 of Constitution in the case of imminent threat of arrest. It is stated that subsequently, in the year 2019, the Cr.P.C. was amended by U.P. Act No. 4 of 2019, whereby the provisions of Section 438 were reinstated. Consequently, the State of Uttar Pradesh came at par with other States with regard to the availability of the remedy of anticipatory bail and quashing to its citizens and for invoking the powers under Section 482 of CrPC/528 of BNSS.

31. The Hon'ble Supreme Court in the case of ***Inder Mohan Goswami & Anr. v. State of Uttaranchal & Ors.; (2007) 12 SCC 1*** observed that the inherent powers under Section 482 Cr.P.C. are wide and can be invoked if any abuse of process leading to injustice is brought to the notice of the Court and invocation of such powers would be justified. Paras 23 & 24 of the said judgment are quoted herein below:

“Scope and ambit of courts' powers under Section 482 CrPC

“23. This Court in a number of cases has laid down the scope and ambit of courts' powers under Section 482 CrPC. Every High Court has inherent power to act ex debito justitiae to do real and substantial justice, for the administration of which alone it exists, or to prevent abuse of the process of the court. Inherent power under Section 482 CrPC can be exercised:

- (i) to give effect to an order under the Code;*
- (ii) to prevent abuse of the process of court, and*
- (iii) to otherwise secure the ends of justice.*

24. Inherent powers under Section 482 CrPC though wide have to be exercised sparingly, carefully and with great caution and only when such exercise is justified by the tests specifically laid down in this section itself. Authority of the court exists for the advancement of justice. If any abuse of the process leading to injustice is brought to the notice of the court, then the court would be justified in preventing injustice by invoking inherent powers in absence of specific provisions in the statute.”

Similarly, the Supreme Court in the case of ***Padal Venkata Rama Reddy alias Ramu v. Kovvuri Satyanarayana Reddy and Ors.; (2011) 12 SCC 437***, held as follows in Paras 11 & 12:

“11. Though the High Court has inherent power and its scope is very wide, it is a rule of practice that it will only be exercised in exceptional

cases. Section 482 is a sort of reminder to the High Courts that they are not merely courts of law, but also courts of justice and possess inherent powers to remove injustice. The inherent power of the High Court is an inalienable attribute of the position it holds with respect to the courts subordinate to it. These powers are partly administrative and partly judicial. They are necessarily judicial when they are exercisable with respect to a judicial order and for securing the ends of justice. The jurisdiction under Section 482 is discretionary, therefore the High Court may refuse to exercise the discretion if a party has not approached it with clean hands.

12. In a proceeding under Section 482, the High Court will not enter into any finding of facts, particularly, when the matter has been concluded by concurrent finding of facts of the two courts below. Inherent powers under Section 482 include powers to quash FIR, investigation or any criminal proceedings pending before the High Court or any court subordinate to it and are of wide magnitude and ramification. Such powers can be exercised to secure ends of justice, prevent abuse of the process of any court and to make such orders as may be necessary to give effect to any order under this Code, depending upon the facts of a given case. The Court can always take note of any miscarriage of justice and prevent the same by exercising its powers under Section 482 of the Code. These powers are neither limited nor curtailed by any other provisions of the Code. However, such inherent powers are to be exercised sparingly, carefully and with caution.”

Similarly, in the case of **Mahmood Ali & Ors. v. State of U.P. & Ors. (2023) 15 SCC 488**, the following was observed by the Supreme Court in Para 13:

“13. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.”

Similarly, the Supreme Court in the case of **Ramawatar v. State of M.P.; 2022 (13) SCC 635**, held as under in Para 10:

“10. So far as the first question is concerned, it would be *ad rem* to outrightly refer to the recent decision of this Court in *Ramgopal v. State of M.P.* [*Ramgopal v. State of M.P.*, (2022) 14 SCC 531 : 2021 SCC OnLine SC 834], wherein, a two-Judge Bench of this Court consisting of two of us (N.V. Ramana, CJI & Surya Kant, J.) was confronted with an identical question. Answering in the affirmative, it has been clarified that the jurisdiction of a court under Section 320CrPC cannot be construed as a proscription against the invocation of inherent powers vested in this Court under Article 142 of the Constitution nor on the powers of the High Courts under Section 482CrPC. It was further held that the touchstone for exercising the extraordinary powers under Article 142 or Section

482CrPC, would be to do complete justice. Therefore, this Court or the High Court, as the case may be, after having given due regard to the nature of the offence and the fact that the victim/complainant has willingly entered into a settlement/compromise, can quash proceedings in exercise of their respective constitutional/inherent powers.”

The Supreme Court in the case of ***Kulandaisamy & Anr. v. State Represented by Its Inspector of Police & Anr.; Criminal Appeal No.1224 of 2025*** decided on **07.03.2025** observed that there is no absolute rule that even if the investigation is at a preliminary stage, the Court exercising jurisdiction under Section 482 Cr.P.C. cannot interfere.

32. It is also argued that even the Hon'ble Supreme Court in the case of ***State of Haryana v. Bhajan Lal: 1992 Supp (1) SCC 335; Abhishek v. State of M.P.: 2023 INSC 779*** and ***Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra: (2021) 19 SCC 401*** has reaffirmed the primacy of Section 482 Cr.P.C. in dealing with quashing.

33. In the backdrop of the arguments raised by the parties and referred above, it is essential to notice the provisions of BNSS as introduced vide Act No.46 of 2023.

34. Power to arrest by police are specified in Section 35 of BNSS under which the impugned notices have been issued. Section 35(3) of BNSS is quoted herein below:

“35. When police may arrest without warrant. - (1) ...

(2) ...

(3) The police officer shall, in all cases where the arrest of a person is not required under sub-section (1) issue a notice directing the person against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence, to appear before him or at such other place as may be specified in the notice.”

35. Chapter XIII of BNSS provides for manner of information to be given to police and their powers to investigate. Section 173(1) of BNSS is quoted herein below:

“173. Information in cognizable cases. - (1) Every information relating to the commission of a cognizable offence, irrespective of the area where the offence is committed, may be given orally or by electronic communication to an officer in charge of a police station, and if given—

(i) orally, it shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information,

whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it;

(ii) by electronic communication, it shall be taken on record by him on being signed within three days by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may by rules prescribe in this behalf:

Provided that if the information is given by the woman against whom an offence under section 64, section 65, section 66, section 67, section 68, section 69, section 70, section 71, section 74, section 75, section 76, section 77, section 78, section 79 or section 124 of the Bharatiya Nyaya Sanhita, 2023 is alleged to have been committed or attempted, then such information shall be recorded, by a woman police officer or any woman officer:

Provided further that—

(a) in the event that the person against whom an offence under section 64, section 65, section 66, section 67, section 68, section 69, section 70, section 71, section 74, section 75, section 76, section 77, section 78, section 79 or section 124 of the Bharatiya Nyaya Sanhita, 2023 is alleged to have been committed or attempted, is temporarily or permanently mentally or physically disabled, then such information shall be recorded by a police officer, at the residence of the person seeking to report such offence or at a convenient place of such person's choice, in the presence of an interpreter or a special educator, as the case may be;

(b) the recording of such information shall be videographed;

(c) the police officer shall get the statement of the person recorded by a Magistrate under clause (a) of sub-section (6) of section 183 as soon as possible.”

36. Powers to investigate flow by virtue of Section 175 of BNSS in the case of cognizable case. Procedure for investigation is specified in Section 176 of BNSS.

37. On a plain reading of Section 173(1) of BNSS read with the Government Order dated 04.05.1998 under which respondent no.2 was constituted, leaves no doubt that respondent no.2 has no power to take a complaint or register an FIR directly. Powers of the STF flowing from Government Order dated 04.05.1998 are essentially to help the police authorities in respect of investigating particular and heinous cases for furtherance of the objective specified in Clause 1 of the Government Order. It is also incumbent upon Respondent No. 2 that, in the event of receiving any information, the powers vested in the Investigating Officers may be exercised by them; however, it is also incumbent that the STF lodges an FIR. and thereafter takes over the investigation upon itself as is

evident from Clause 2(ii) of the Government Order dated 04.05.1998. It, thus, shows that the criminal machinery can be triggered only by lodging information specified in Section 173 of BNSS to be given to the Officer In-charge of the police station. The Officers of respondent no.2/authority clearly cannot be termed as ***Officer In-charge of a police station*** as they are specialized force to work along with the local police for the objective specified in the Government Order dated 04.05.1998. Section 2(1)(r) of BNSS defines ‘officer in charge of a police station’, which is as under:

“2. Definitions.- (1) In this Sanhita, unless the context otherwise requires,-

XXX

XXX

XXX

(r) "officer in charge of a police station" includes, when the officer in charge of the police station is absent from the station-house or unable from illness or other cause to perform his duties, the police officer present at the station-house who is next in rank to such officer and is above the rank of constable or, when the State Government so directs, any other police officer so present;”

38. In the present case, no such material exists or brought before this Court to suggest that any information was recorded before the officer in-charge of the police station, thus, the entire proceedings *ex-facie* were without jurisdiction. The conduct of respondent no.4, as detailed in the forgoing paragraphs, clearly reveals that respondent no.4 took over a pending litigation after M/s Energy had lost before the Hon'ble Supreme Court by making payments as claimed by them and knowing very well that civil recourse may either not be available or may not find favour took recourse to a novel exercise of approaching respondent no.2 directly; to add criminality certain averments with regard to international calls have been made.

39. From perusal of the complaint it also transpires that the complaint dated 22.12.2025 was marked on 02.01.2026 and the notices were sent within a period of three days on 05.01.2026. The notice is further bad in law as it inherently treats the applicants as accused as they were asked not to repeat the same offence, not to destroy the evidence, not to interfere in the investigation and not to leave country. All these conditions presupposes that the applicants were guilty of the offence and would destroy the evidences or would interfere in the investigation.

40. The said order further places restriction on applicants' traveling abroad without there being any material whatsoever which is also violative of the rights flowing in favour of the applicants by virtue of Art. 21 of Constitution.

41. The payments disclosed by respondent no.4 clearly demonstrates that certain payments were made to one Mr. Anurag Bajpai in anticipation of purchase of shares; there is no averment that the shares were actually purchased by respondent no.4 which could have entitled respondent no.4 to participate in the civil proceedings. In the absence of any shareholding in favour of respondent no.4 by any of the constituents of the SPV, respondent no.4 did not even acquire any civil right, as such, they took recourse to criminal proceedings.

42. This Court has no hesitation in holding that the entire proceedings initiated by respondent no.4 were nothing but an abuse of process of law for gaining control over the litigation/property allotted by YEIDA to the SPV by paying amounts to one of the constituents in anticipation of transfer of shareholding. No agreement or any document has been brought on record to suggest that there was any agreement *inter se* in between respondent no.4 and Mr. Anurag Bajpai agreeing to transfer shares in favour of respondent no.4 or Mr. Sikandar Maan. The entire complaint is nothing but a figment of imagination to somehow arm twist the SPV and the applicants to part with the company.

43. Even otherwise, once Shri Anurag Bajpai after dismissal of the SLP was left only with the right to recover the amounts allegedly paid, as disclosed in Para 28 of the counter affidavit, respondent no.4 who claims to be stepping into his shoes could only get the right to recovery the amounts. It is not even understandable that for recovery of the amounts of approximately Rs.8 to 10 crores which flow in favour of Mr. Anurag Bajpai, respondent no.4 allegedly parted with an amount of Rs.29 crore approximately which *ex-facie* does not inspire any confidence.

44. With regard to the maintainability of the application, on perusal of the materials referred above, it is clear that the entire proceedings initiated at the behest of respondent no.4 were nothing but an abuse of process of

law and to meet the 'ends of justice' it is essential that any such unscrupulous persons who take recourse of criminal machinery for arm twisting or for settling their civil disputes have to be discouraged.

45. In view of the categorical pronouncements of the Hon'ble Supreme Court referred to above, this is a fit case for exercise of powers vested in this Court and the preliminary objection raised by respondent no.4 merits rejection and are accordingly rejected.

46. For all the reasons recorded above, impugned notices as contained in Annexure – 1 dated 05.01.2026 issued by respondent no.2 and the subsequent notices, if any, are quashed.

47. It is clarified that respondent no.4, however, would be entitled to recover his amounts disclosed in para 28 of the counter affidavit from Mr. Anurag Bajpai and the persons/entities strictly in accordance with law by taking recourse to the civil remedies available and not through criminal proceedings as was tried to be done.

48. Present application stands *allowed* in above terms.

No order as to costs.

March 18, 2026

[Pankaj Bhatia, J.]

Nishant