2026:AHC:145019-DB

A.F.R.
Reserved on 01.05.2026
Delivered on 16.07.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 1443 of 2026

Haji Iqbal Alias Bala

…..Petitioner(s)

Versus

State of U.P. and 2 others

…..Respondent(s)

Counsel for Petitioner(s)	:	Indra Bhan Yadav
Counsel for Respondent(s)	:	G.A.

Court No. - 48

HON'BLE CHANDRA DHARI SINGH, J.
HON'BLE LAKSHMI KANT SHUKLA, J.

Per: Hon'ble Chandra Dhari Singh,J.

1. The instant petition has been filed *inter alia* seeking quashing of a First Information Report bearing Case Crime No. 421/2024 lodged under Section 406, 420, 467, 468, 471, 120-B, 506 of the Indian Penal Code (**'IPC'** hereinafter) at Police Station Ecotech-IIIrd, District Gautam Buddh Nagar (**'Impugned FIR'** hereinafter).

Brief Facts

2. The brief factual matrix relevant for adjudication of the instant petition is as follows:

2.1 The petitioner is a former Member of the Legislative Council (**'MLC'** hereinafter) from the State of Uttar Pradesh and is stated to be presently residing abroad. He is also the Chancellor of Glocal University, Saharanpur. The dispute giving rise to the Impugned FIR has its origins in a series of financial transactions involving real estate development in Greater Noida.

2.2 In the year 2014, one Naved Ahmad (**'Complainant'** hereinafter) entered into negotiations with representatives of M/s Enchant Infrastructure Pvt. Ltd. regarding the development of Plot No. GH-02-D, Sector-12, Greater Noida, measuring 12,500 sq. metres, which had been allotted by the Greater Noida Industrial Development Authority.

2.3 As per material on record, between 01.12.2013 and 04.03.2014, the Complainant transferred a total sum of INR 6,33,00,000/- to M/s Enchant Infrastructure Pvt. Ltd. A development agreement was subsequently executed on 01.10.2014 between the Complainant and Vinod Kumar, the Authorised Signatory of M/s Enchant Infrastructure Pvt. Ltd.

2.4 Notably, no construction activity was undertaken on the plot thereafter. The company also failed to keep up with installment payments due to the Greater Noida Authority. Consequently, *vide* letter dated 23.08.2022, the Greater Noida Authority cancelled the allotment of the said plot, citing outstanding dues of INR 29,30,05,883/- against which only INR 4,49,42,881/- had been paid.

2.5 In the *interregnum*, an NGO named 'Save India' had filed W.P.(C) No. 818/2015 before the Hon'ble Supreme Court, thereby raising concerns about alleged financial irregularities and shell company operations linked to the petitioner. The Hon'ble Supreme

Court, thereafter, directed the Ministry of Corporate Affairs to grant sanction for directing the Serious Fraud Investigation Office (**'SFIO'** hereinafter) to investigate the affairs related to the petitioner herein.

2.6 SFIO, upon conclusion of its investigation, filed Complaint No. 720/2017 under the Companies Act, 2013 (**'Act'** hereinafter), before the Special Judge, Dwarka Court, New Delhi. The complaint examined, *inter alia*, the roles of M/s Enchant Infrastructure Pvt. Ltd. and Mastiff India Pvt. Ltd. A summoning order was passed against the petitioner and other co-accused.

2.7 The said summoning order was challenged before this Court in Applications U/s 482 Nos. 18806 and 20317 of 2019. *Vide* orders dated 10.05.2019 and 29.05.2019, the Co-ordinate Bench of this Court afforded the applicants an opportunity to seek discharge before the learned Trial Court. The discharge applications so filed remain pending as of the date of institution of the present petition.

2.8 In May 2022, the Ministry of Home Affairs issued a Lookout Circular (**'LoC'** hereinafter) against the petitioner. He was also named in Case Crime No. 83/2022 under Sections 2/3 of the U.P. Gangsters Act, 1986 (**'Gangster Act'** hereinafter), at Police Station Mirzapur, Saharanpur. Since the petitioner was abroad, proceedings under Section 82 of the Code of Criminal Procedure, 1973 (**'CrPC'** hereinafter) were also initiated against him in the above-mentioned case.

2.9 Pursuant thereto, the petitioner's passport was impounded by the Passport Office, Ghaziabad, on 30.01.2023, and his challenge to the same remains pending before the Delhi High Court. During this period, the Hon'ble Supreme Court, in connected proceedings, directed that no coercive steps be taken against the petitioner and permitted him to participate in investigations through Video Conferencing. The order dated 09.02.2024 passed by the Hon'ble Supreme Court in SLP(Crl.) No.5535/2023 read as under:

> "*1. Mr. Sidhartha Dave, learned senior counsel appearing for the applicant submits that in pursuant to order passed by this Court dated 30th January, 2024, the applicant will not be in a position to attend Investigating Officer physically, inasmuch as he does not have a valid passport.*
>
> *2. It is further submitted that the order challenging cancellation of passport is under challenge.*
>
> *3. We, therefore, grant liberty to the applicant to join the investigation through video-conferencing.*
>
> *4.The application is, accordingly, disposed of"*

2.10 On 04.09.2023, the Complainant filed a formal complaint with the police authorities. A preliminary inquiry was conducted by the STF Gautam Buddh Nagar, following which the Impugned FIR was registered.

2.11 Aggrieved thereby, the petitioner has approached this Court seeking quashing of the Impugned FIR and all proceedings arising therefrom.

SUBMISSIONS

(*ON BEHALF OF THE PETITIONER*)

3. Mr. G.S. Chaturvedi, learned senior counsel, Ms. Somya Chaturvedi, learned Advocate appearing on behalf of the petitioner, submitted that the Impugned FIR is nothing but a reiteration of the very allegations which have already been investigated by the SFIO, a specialised statutory agency, acting under the express directions of the Supreme Court of India, culminating in a complaint already pending before the appropriate Court.

4. It is submitted that the SFIO complaint specifically examines the role of the petitioner and the companies associated with him, including M/s Enchant Infrastructure Pvt. Ltd. and M/s Mastiff India Pvt. Ltd., in paragraphs 24 and 100 to 122 thereof. The Impugned FIR is, therefore, a second investigation into the same set of facts, which is impermissible in law.

5. It is submitted that the petitioner held no post or shareholding in M/s Enchant Infrastructure Pvt. Ltd. The transactions in the Impugned FIR were entered into solely between the Complainant and the company's authorised signatory, Vinod Kumar. No specific overt act, independent of the company's actions, has been attributed to the petitioner anywhere in the FIR.

6. It is submitted that the substratum of the complaint is, at best, non-performance of a development agreement, which is a dispute of a civil nature. There is no material on record to suggest any fraudulent or dishonest intent on the part of the petitioner at the inception of the transaction.

7. The learned senior counsel also urged that pursuant to liberty granted by a co-ordinate Bench of this Court in another petition, the petitioner has filed the discharge application before the learned Trial Court in the SFIO complaint, which remains pending to date. Therefore, the registration of a fresh FIR on overlapping facts amounts to a clear abuse of the process of law.

8. It is further submitted that the FIR makes sweeping and omnibus references to several shell companies, benami properties, and money laundering, without directly attributing any specific transaction, date, or document to the petitioner. Such general and vague allegations, bereft of material particulars, are wholly insufficient to sustain criminal proceedings.

9. The learned counsel also apprised this Court about the liberty granted to the petitioner by the Hon'ble Supreme Court to cooperate with investigations through Video Conferencing, recognising his inability to be physically present in India.

10. Lastly, it is submitted that any coercive action against the petitioner in these circumstances is wholly disproportionate and runs contrary to the spirit of those directions and therefore, the Impugned FIR deserves to be quashed in its entirety *qua* the petitioner.

(*ON BEHALF OF THE RESPONDENT*)

11. *Per Contra,* Mr. Manish Goyal, learned Additional Advocate General (AAG), appearing on behalf of the State, submitted that the petitioner is not an ordinary accused but a former legislator who has been absconding abroad for a considerable period of time, and is actively monitoring and operating a syndicate of white-collar crimes from abroad.

12. The learned AAG submitted that the SFIO investigation and the Impugned FIR are distinct in nature and cannot be treated as investigations into the same subject matter. The SFIO, as a specialised agency under the Act, investigates corporate fraud and violations of company law, whereas the Impugned FIR has been registered under the IPC for criminal offences committed against private individuals who were defrauded of their hard-earned money.

13. It is submitted that the Impugned FIR is founded on the complaint of Naved Ahmad, who transferred INR 6,33,00,000/- to M/s Enchant Infrastructure Pvt. Ltd. on the basis of representations made by the petitioner's associates. The investigation reveals that neither was any construction ever intended nor were the instalment dues paid to the Greater Noida Authority, establishing dishonest intent at the very inception of the transaction.

14. It is further submitted that the offence in question is in the nature of a continuing offence, having commenced with the collection of funds from the Complainant in 2013-14 and having continued across different time periods with various investors, the last known transaction being as recent as 2022. The investigation is therefore at a nascent stage, and no interference is warranted at this juncture.

15. It is submitted that an absconding accused who has wilfully chosen not to return to India and has not cooperated with the investigating agency despite repeated opportunities, is not entitled to the discretionary relief of stay of arrest from this Court. Granting such relief would seriously prejudice the ongoing investigation and the victims' interests.

16. It is, therefore, submitted that the petition is devoid of merit and deserves to be dismissed with costs.

ANALYSIS AND CONCLUSION

17. Heard the learned senior counsel for the parties and perused the material placed on record.

18. The crux of the arguments vehemently contended by the learned senior counsel appearing on behalf of the petitioner is that the Impugned FIR constitutes nothing more than a second investigation into facts already comprehensively examined by the SFIO under the directions of the Supreme Court, and that no specific overt act has been attributed to the petitioner in the FIR to sustain criminal proceedings against him.

19. Before delving into the question at hand, this Court deems it imperative to reiterate the powers granted to the High Courts under Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023 (**'BNSS' hereinafter)**. The said provision reads as follows:

> ***Section 528:*** *Nothing in this Sanhita shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Sanhita, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.*

20. A bare perusal of the provision reveals that it is not the source of the High Court's inherent power but merely a statutory recognition of it. The words "*nothing in this Sanhita shall be deemed to limit or affect*" are instructive in this regard. By employing such a formulation, the legislature has ensured that the codification of criminal procedure does not, even inadvertently, displace a power that is inseparable from the constitutional position of the High Court as a Court of record.

21. It is equally noteworthy that the provision does not prescribe any exhaustive enumeration of circumstances in which the inherent power may be exercised. The three purposes, namely giving effect to orders under the BNSS, preventing abuse of process, and securing the ends of justice, are illustrative of the breadth of the power and not a strait-jacket that confines its exercise. The ends of justice and abuse of process, in particular, are expressions of wide amplitude, and their content must necessarily be determined by the facts of each case.

22. The parameters governing the exercise of this power to quash an FIR, which was formerly codified under Section 482 of the Code of Criminal Procedure, 1973 (**'CrPC'** hereinafter)and now finds statutory recognition in Section 528 of the BNSS, have been settled through a catena of decisions. In ***Ashok Kumar Jain v. State of Gujarat***[1], the Hon'ble Supreme Court consolidated the legal position as follows:

> ***"8...............***
>
> *8.1. State of Odisha v. Pratima Mohanty*
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> *As per the settled proposition of law, while examining an FIR/complaint, quashing of which is sought, the court cannot embark upon any enquiry as to the reliability or genuineness of allegations made in the FIR/complaint. Quashing a complaint/FIR should be an exception rather than any ordinary rule. Normally, the criminal proceedings should not be quashed in exercise of powers under section 482 of the Code when, after a thorough investigation, the charge-sheet has been filed. At the stage of discharge and/or considering the application under section 482 of the Code, the courts are not required to go into the merits of the allegations and/or evidence in detail as if conducting a mini-trial. As held by this Court, the powers under this section are very wide, but the conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the Court.*
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> *8.2. Kaptan Singh v. State of Uttar Pradesh*
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> *The inherent jurisdiction under section 482 of the Code, though wide, is to be exercised sparingly, carefully and with caution, only when such exercise is justified by tests specifically laid down in the section itself. Further, the appreciation of evidence is not permissible at this stage.*
>
> *8.3. Pratibha v. Rameshwari Devi*
>
> *It is not open to the High Court to rely on the report of the investigating agency, nor can it direct the report to be submitted before it as the law is very clear that the report of the investigating agency may be accepted by the Magistrate, or the Magistrate may reject the same on consideration of the material on record. Such being the position, the report of the investigating agency cannot be relied on by the High Court while exercising powers under section 482 of the Code."*

23. In ***Anukul Singh v. State of Uttar Pradesh***[2], the Hon'ble Supreme Court restated the illustrative categories laid down in

1 **2025 SCC OnLine SC 998**
2 **2025 SCC OnLine SC 2060**

State of Haryana v. Bhajan Lal[3] in which the exercise of the power to quash is justified, and distilled the cumulative principles governing the exercise of the jurisdiction in the following terms:

> ***"11.1.*** *This Court in State of Haryana v. Bhajan Lal, at paragraph 102, laid down illustrative categories where quashing of proceedings is justified. These are:*
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> *"(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.*
>
> *(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.*
>
> *(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.*
>
> *(4) Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.*
>
> *(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.*
>
> *(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or, where there is a specific provision in the Code or the Act concerned, providing efficacious redress for the grievance of the aggrieved party.*
>
> *(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge." The categories in Bhajan Lal are illustrative and not exhaustive, but they provide guiding principles to balance two competing considerations - (a) preventing abuse of process of law, and (b) ensuring that criminal proceedings are not stifled at the threshold on disputed questions of fact.*
>
> *11.2. Equally, this Court has consistently cautioned that the High Court, while exercising jurisdiction under Section 482 Cr.P.C., cannot embark upon a "mini-trial" or weigh the sufficiency of evidence, which falls within the domain of the trial Court. The scope of enquiry is confined*

3 **1992 Supp (1) SCC 335**

to whether, on a plain reading of the FIR/complaint and accompanying material, the ingredients of the alleged offence are disclosed. [See: Rajiv Thapar v. Madal Lal Kapoor, HMT Watches v. Abida, and Rathish Babu Unnikrishnan v. the State (Govt. of NCT of Delhi)].

11.3. In Md. Allauddin Khan v. State of Bihar, it was reiterated that appreciation of contradictions or inconsistencies in witness statements lies within the exclusive domain of the trial Court and not in proceedings under Section 482 Cr.P.C. Similarly, in CBI v. Aryan Singh, it was emphasized that the High Court had exceeded its jurisdiction by examining the merits of the prosecution's case and holding that charges were not proved, which is a matter strictly for trial.

11.4. Nevertheless, an exception has been recognized where the defence relies upon unimpeachable, incontrovertible evidence of sterling quality - such as documents of undisputed authenticity – which ex facie demonstrate that continuation of criminal proceedings would be unjust and oppressive. This principle was recognized in Suryalakshmi Cotton Mills Ltd. v. Rajvir Industries Ltd, and followed in subsequent decisions. 11.5. Thus, the cumulative principles that emerge are: while the jurisdiction under Section 482 Cr.P.C. is extraordinary and must be exercised sparingly, it is the duty of the High Court to intervene where continuation of criminal proceedings would amount to an abuse of process of law, or where the dispute is purely of a civil nature and criminal colour has been artificially given to it. Conversely, where disputed questions of fact arise requiring adjudication, the matter must ordinarily proceed to trial."

24. What emerges from the decisions referred to above is that the inherent power to quash an FIR, though wide in amplitude, is a power to be exercised with restraint and only within judicially recognised limits. Quashing is the exception and not the rule. The court does not, at this stage, assess the reliability or genuineness of the allegations, weigh the evidence, or conduct what amounts to a mini-trial. Its inquiry is confined to whether, on a plain reading of the FIR, the allegations disclose a cognizable offence.

25. Nonetheless, the categories set out in the ***Bhajan Lal***[4] case serve as signposts for identifying cases in which the extraordinary jurisdiction may lawfully be invoked. Where the allegations are specific, the offences are cognisable, and the accusations are not inherently improbable on their face, the criminal process must ordinarily be permitted to run its course. The power to quash is not

4 **Supra**

to be used to stifle a legitimate prosecution at the threshold, and the court must be careful to distinguish between cases that disclose no offence whatsoever and those where the complaint of the accused is, in substance, one going to the merits of the prosecution, a matter that belongs exclusively to the trial.

26. The fulcrum of the dispute in the Impugned FIR is that the petitioner is named as the principal accused in a scheme of financial fraud perpetrated through M/s Enchant Infrastructure Pvt. Ltd. and a chain of associated companies. To determine whether the contentions raised by the learned senior counsel on behalf of the petitioner are sustainable, it becomes necessary to examine the SFIO complaint and the Impugned FIR in juxtaposition.

27. To that end, an examination of the complaint filed by the SFIO before the Special Court, pursuant to its investigation, reveals that it was not limited to technical violations under the Act. The SFIO examined the entire architecture of the alleged fraud, i.e. the network of shell companies, the individual roles of the accused, and the criminal conspiracy that bound them together.

28. The SFIO complaint reveals that a sum of INR 610.30 crore is alleged to have been systematically routed through 84 accused entities under investigation, each a shell company with no genuine operational activity, for the purpose of acquiring land, real estate, and sugar mills, and channelling funds to the Abdul Waheed Educational and Charitable Trust.

29. It is noteworthy that M/s Enchant Infrastructure Private Limited, the vehicle through which the Complainant was allegedly defrauded, is named as an accused entity in the SFIO complaint. Further, the complaint is not confined to the Act alone; it invokes several provisions of the IPC in respect of the same accused persons and transactions of a similar nature.

30. Turning to the Impugned FIR, the excerpt of the relevant contents of the same is as under:

12.First Information contents (प्रथम सूचना तथ्य):

सेवा मे, श्रीमान अपर पुलिस अधीक्षक, एस0टी0एफ0 युनिट गौतमबुद्धनगर । महोदय, अवगत कराना है कि श्री नवेद अहमद पुत्र स्व शकील खान निवासी T-70, DDA फ्लैट, जसोला विहार, नई दिल्ली के प्रार्थना पत्र दिनांकित 04.09.2023 की जांच मुझ निरीक्षक सचिन कुमार द्वारा की गयी । जिसमे आवेदक नवेद द्वारा बताया गया कि वर्ष 2014 में उसकी जान पहचान मौ जावेद, विनोद कुमार, एवं सौरभ मुकुन्द नानक व्यक्ति से हुई थी । यह लोग M/S Enchant Infrastructure Pvt. Ltd के मालिक होना बताए थे । तथा यह भी बताया कि इनकी कम्पनी ने ग्रेटर नोएडा अथोरिटी एक प्लाट संख्या GH02D, सैक्टर 12. ग्रे0नो0 में कुल क्षेत्रफल 12500 वर्ग मीटर खरीदा हुआ है । उस प्लाट को विकसित करने के लिये बातचीत की जिस पर दोनो पक्ष सहमत हुए थे । इसके लिये एक एग्रीमैन्ट उसकी कम्पनी तथा इन लोगो की कम्पनी के बीच मे दिनांक 01.10.2014 को हुआ था । इस एग्रीमेन्ट पर अपनी कम्पनी की तरफ से उसने हस्ताक्षर किये थे तथा M/S Enchant Infrastructure Pvt. Ltd पर उनके Authorised व्यक्ति विनोद कुमार पुत्र श्री हेमचन्द निवासी भैंसानी इस्लामपुर तहसील व जिंला शामली द्वारा हस्ताक्षर किये गये थे । तथा गवाह के रुप में रविन्द कुमार पुत्र कर्तेराम निवासी ग्राम कोसीपुर, पोस्ट कम्बाह नगर जिला सहारनपुर व राहुल शर्मा निवासी 41/11, डबल स्टोरी मोदीनगर ने हस्ताक्षर किये थे । इस एग्रीमेन्ट के पूर्व उसकी कम्पनी द्वारा कम्पनी के खाते से M/S Enchant Infrastructure Pvt. Ltd के खाते में दिनांक 01.12.2013 से 04.03.2014 के मध्य 6,33,00000/- रुपये ट्रान्सफर किये थे । M/S Enchant Infrastructure Pvt. Ltd कम्पनी के लोग ग्रेनो एथोरिटी मे उक्त प्लाट की किश्त जमा नही कर रहे थे जिसके सम्बन्ध मे नवेद अहमद बार बार इस कम्पनी के उपरोक्त लोगो से बात कर रहा था । यह लोग झूठे बहाने व आश्वासन देते रहे । M/S Enchant Infrastructure Pvt. Ltd कम्पनी के पते बी-129, द्वितिय तल, निर्माण विहार दिल्ली पर भी इनका कोई आफिस नही था । इस पते पर जितेन्द कुमार शर्मा पुत्र MK शर्मा निवासी C-209, निर्माण विहार दिल्ली जो इस कम्पनी के सीए है का आफिस है । जितेन्द शर्मा के अलावा विकास शर्मा पुत्र मोहनलाल अग्रवाल निवासी पीपी निकुंज, निकट माली गेट पुलिस चौकी, बेहट रोड सहारनपुर तथा दीपक गोयल पुत्र विश्वनाथ गोयल निवासी मन 8/4945/बी, लेन नम्बर 4ए, सम्राट विक्रम कालोनी चिलकाना रोड सहारनपुर मिलकर हाजी इकबाल के लिये फर्जी दस्तावेजों पर तथा डमी डायरेक्टर बनाकर शैल कम्पनियां रजिस्टर्ड कराते हैं तथा फर्जी बैलेन्स शीट बनाते हैं तथा ऐसी कम्पनियों के बैंक खाते खोलकर लोगों के साथ धोखाधडी करते हैं । यह सभी

लोग हाजी इकबाल के गैंग के लोग है, जो हाजी इकबाल के कहने पर धोखाधडी करते हैं तथा अपराध से अर्जित धन को आपस में बांटते हैं। यह भी बताया कि सौरभ मुकुन्द, मौ जफर, लईक अहमद, मौ जावेद, नसीम व दिलशाद ने उसको धमकाते हुए हाजी-इकबाल से बात कराई उसने धमकी भरे लहजे से कुछ समय और इन्तजार करने को कहा। परन्तु पिछले कुछ दिनों से इनके मोबाईल स्वीच आफ हो गये। ग्रेनो एथोरिटी से प्लाट की स्थिती के बारे मे जानकारी की तो पता चला कि ग्रेनो एथोरिढी द्वारा अपने पत्रांकः-
ग्रेनो/बिल्डर्स/2022/7666 दिनांकित 23.08.2022 के माध्यम से उपरोक्त प्लाट का एलोटमैन्ट निरस्त कर दिया है। आवंटन रद्द करने का कारण शेष रुपया 29,30,05883/- को अदा न करना बताया गया है। जो अब बढकर काफी अधिक हो गया है उपरोक्त तथ्यों की मुझ निरीक्षक द्वारा जांच की गयी तो पाया कि M/S Enchant Infrastructure Pvt. Ltd कम्पनी में सौरभ मुकुन्द व सन्जुल भारद्वार वर्तमान में डायरेक्टर हैं इस कम्पनी मे पहले मौ जावेद पुत्र हाजी इकबाल भी डायरेक्टर था। जांच के दौरान दस्तावेज प्रस्तुत करने हेतु दिये गये नोटिस के विरुद्ध सौरभ मुकुन्द द्वारा माननीय उच्च न्यायालय इलाहाबाद मे क्रि मि रिट पिटीशन संख्या 53/2024 सौरभ मुकुन्द बनाम उप्र राज्य दायर की थी। जिसमे माननीय उच्च न्यायालय द्वारा नोटिस मे अपेक्षित सूचना उपलब्ध कराने एवं जांच मे सहयोग करने का आदेश पारित करते हुये निक्षेपित कर दिया गया। तत्पश्चात मुझ निरीक्षक द्वारा M/S Enchant Infrastructure Pvt. Ltd एवं अन्य कम्पनियों के सम्बन्ध में जांच की गयी तो M/S Enchant Infrastructure Pvt. Ltd कम्पनी की शेयर होल्डिंग देखने पर सौरभ मुकुन्द के पास 5% तथा शेष 95% Mastiff Industries Pvt. Ltd के पास हैं। जब Mastiff Industries Pvt. Ltd की शेयर होल्डिंग देखते हैं तो इसमे मौ जफर एवं अवधेश कुमार डायरेक्टर हैं इस कम्पनी में 26.81% शेयर Net Agro Foods Pvt. Ltd कम्पनी पर तथा 73.19% शेयर VK HEALTH SOLUTIONS PRIVATE LIMITED के पास है। Net Agro Foods Pvt. Ltd कम्पनी मे डायरेक्टर सौरभ मुकुन्द, आनन्द कुमार राय एवं दिलशाद हैं। दिलशाद हाजी इकबाल का बहनोई है। VK HEALTH SOLUTIONS PRIVATE LIMITED कम्पनी मे डायरेक्टर सौरभ मुकुन्द व इरशाद अहमद हैं। सौरभ मुकुन्द हाजी इकबाल का मेन कर्ता धर्ता है। हाजी इकबाल ने उसके नाम से 18 शैल कम्पनियां बना रखी हैं, जो जितेन्द्र कुमार (सीए) द्वारा बनाई गयी हैं। यह सभी कम्पनियां कूटरचित दस्तावेज एवं फर्जी पतों पर बनाई गयी हैं। इन कम्पनियों में लोगो से धोखाधडी करके धन एकत्र किया गया है। तथा उस धन को घुमाकर हाजी इकबाल के ग्लोकल युनिवर्सिटी के खाते मे भेजा गया है। हाजी इकबाल उर्फ बाला पुत्र अब्दुल वहीद निवासी ग्राम मिर्जापुर पोल थाना मिर्जापुर जनपद सहारनपुर का हिस्ट्रीशीटर है, जिसने एक गैंग बनाकर फर्जी व कूटरचित दस्तावेज तथा पतों के आधार पर कम्पनियां पंजीकृत कराई हैं। तथा इन कम्पनियों में डमी डायरेक्टर तथा कूटरचित दस्तावेज लगाकर विभिन्न व्यापारिक कार्य दिखाए हैं। तथा कम्पनी का प्रोफाईल बनाकर

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लोगो को छल करने के लिये कूटरचित एग्रीमैन्ट आदि तैयार कराए हैं। तथा काफी लोगो से छल करने के उद्देश्य से धन प्राप्त किया है। तथा इन कम्पनियों के माध्यम से मनी लांड्रिंग का कार्य किया गया है। जांच के दौरान यह भी जानकारी प्राप्त हुई कि हाजी इकबाल के विरुद्ध कई दर्जन मुकदमे विभिन्न थानों मे दर्ज हैं, तथा वह वर्तमान में पुलिस से बचने के लिये विदेश भाग गया है। हाजी इकबाल ने अपने साथियों के साथ मिलकर सैंकडों कम्पनियां इसी कार्य के लिये बनाई हुई हैं। हाजी इकबाल द्वारा अपने राजनैतिक रसूख एवं संगठित रुप से माफिया गठजोड का प्रयोग करके ग्रेटर नोएडा अथोरिटी एवं अन्य कई सरकारी विभागों से इन कम्पनियों के नाम जमीने अलाट कराई हैं। अपने प्रभाव का प्रयोग करके इन कम्पनियों में बेनाम सम्पत्ती खरीदी हुई है। ग्रेटर नोएडा अथोरिटी में भी ऐसी कम्पनियों के नाम कई प्लाट होने की जानकारी प्राप्त हुई है। इन प्लाटों को अलाट कराकर प्रारंभिक अलाटमेन्ट राशी. जमा करके अथोरिटी के प्लाट होल्ड कर लिये जाते हैं। अथोरिटी को समय से उनकी किश्तों का भुगतान नही किया जाता है जिससे सरकार एवं अथोरिटी को भारी आर्थिक नुकसान होता है। अथोरिटी द्वारा ऐसे प्लाट का आवंटन निरस्त करने पर कम्पनियों एवं अन्य तथ्यों को छिपाते हुए गलत तथ्यों के आधार पर न्यायालय से स्थगन आदेश आदि प्राप्त किये जाते हैं। इस प्रकार इन लोगों द्वारा न केवल आम नागरिकों के साथ धोखाधड़ी की जा रही है बल्कि ग्रेनो अथोरिटी के साथ भी धोखाधड़ी की जा रही है। जिससे उसे भारी आर्थिक नुकसान हो रहा है एवं आम जन में अथोरिटी एवं सरकार की छवि खराब हो रही है। इन लोगों द्वारा सैंकड़ो की संख्या में इस प्रकार कम्पनियां पंजीकृत कराकर रखी हुई हैं। ये कम्पनियों कूटरचित दस्तावेज जैसे- पते के लिये प्रमाण पत्र आदि का प्रयोग करके रजिस्टर्ड की गयी हैं। जिनमे फर्जी रूप से बैलेन्स शीट आदि तैयार करके इनके माध्यम से अपराध कारित किया जा रहा है हाजी इकबाल के पुत्र वाजिद अली, जावेद, अफजाल, एवं अलीशान उसके ~~सहयोगी~~ बहनोई दिलशाद, हाजी इकबाल का भांजा मो अली खान, हाजी इकबाल का भाई मो इनाम ~~व महबूब~~ अली तथा अन्य रिश्तेदार इन सभी कम्पनियों मे या तो सीधे लाभार्थी ~~अथवा~~ परोक्ष रुप से जुडकर लाभ प्राप्त कर रहे हैं। यह सभी इन कम्पनियों को अपने गैंग के सदस्यों के साथ मिलकर कूटरचित दस्तावेजों के आधार पर पंजीकृत कराते हैं। जिसमे प्रमुख रुप से सौरभ मुकुन्द, सन्जुल भारद्वाज, आनन्द कुमार राय, हाजी इकबाल का के पार्टनर लईक अहमद व इरशाद, तथा इनकी कम्पनियों में हिसाब किताब रखने वाले सीए विकास शर्मा पुत्र मोहनलाल अग्रवाल निवासी पीपी निकुंज, निकट माली गेट पुलिस चौकी, बेहट रोड सहारनपुर, दीपक गोयल पुत्र विश्वनाथ गोयल निवासी मन 8/4945/बी, लेन नम्बर 4ए, सम्राट विक्रम कालोनी चिलकाना रोड सहारनपुर तथा अन्य सहयोगी हैं। प्रकरण में प्रसंगत कम्पनी M/S Enchant Infrastructure Pvt. Ltd के नाम से उपरोक्त व्यक्तियों द्वारा ग्रेटर नोएडा अथोरिटी से भूखण्ड संख्या GH02, सैक्टर 12 मे 12500 वर्ग मीटर थाना क्षेत्र इकोटेक-3 प्लांट आवंटित कराया गया था। जबकि उपरोक्त कम्पनी एक शैल कम्पनी मात्र थी जिसके

नाम से आवासीय उद्देश्य से फ्लैट बनाने के लिये आवंटन किया जाना उचित नही था। किसी कम्पनी को प्लाट आवंटित किये जाने से पूर्व ग्रेटर नोएडा अथोरिटी को युक्त युक्त जानकारी एकत्र करनी चाहिये थी। जिसमे ग्रेनो अथोरिटी की संलिप्तता की जांच भी आवश्यक है। इसके अलावा हाजी इकबाल के प्रभाव से और कितने प्लाट अथोरिटी द्वारा शैल कम्पनियों के नाम आवंटित किये गये हैं। ऐसे बेनामी प्लाटों के सम्बन्ध में भी जांच किया जाना आवश्यक है। उक्त प्लाट के आवंटन को निरस्त किये जाने के विरुद्ध माननीय उच्च न्यायालय मे स्टे दिखाकर अन्य कई लोगों से धोखाधड़ी करने के वर्तमान में भी प्रयास किये जाने के साक्ष्य प्राप्त हुए हैं। आवेदक श्री नवेद अहमद उपरोक्त प्रकरण मे प्रभावित एवं पीडित मे से मात्र एक व्यक्ति है, जबकि इस प्रकार के अपराध से कई अन्य व्यक्ति एवं संस्थाएं प्रभावित एवं पीडित हुई हैं। जिसके सम्बन्ध ने अपराध पंजीकृत कर विस्तृत विवेचना किया जाना आवश्यक है। अतः महोदय से निवेदन है कि प्रकरण से सम्बन्धित अपराध को थाना इकोटेक-3 में पंजीकृत कर विस्तृत विवेचना किये जाने हेतु आवश्यक पत्राचार करने की कृपा करें। सुलभ संदर्भ हेतु हाजी इकबाल का अपराधिक इतिहास एवं क्रिमिनल मिस रिट पिटीशन नं0 53/2024 की प्रति संलग्न है। ह0 अंग्रेजी अपठित 17/10/24 (सचिन कुमार) निरीक्षक एसटीएफ युनिट गौतमबुद्धनगर .... नोट- मै म0का0 1817 भारती प्रमाणित करती हूँ कि तहरीर कि नकल मेरे द्वारा बोलबोलकर शब्द व शब्द कम्प्यूटर पर म0का0 2497 प्रियंका से अलावा तकनीकी त्रुटि के टंकण करायी गयी है।

31. The perusal of the Impugned FIR discloses that the petitioner does not appear in the records of M/s Enchant as a director or shareholder. His alleged role, as the FIR narrates, is of a person who conceived and drove the fraudulent scheme through associates and front companies while remaining distanced from them on paper.

32. The petitioner's connection to M/s Enchant is alleged through Saurabh Mukund, who holds 5% shareholding in M/s Enchant and is described in the FIR as the petitioner's principal associate in the scheme. Dilshad, who is stated to be the petitioner's brother-in-law and a co-accused, is similarly linked to the network of companies through which investor funds were collected and diverted. The FIR proceeds on the basis that these persons acted as the visible face of the scheme while the petitioner remained its driving force.

33. The FIR further discloses the upstream ownership of M/s Enchant. The remaining 95% of its shares, beyond Saurabh Mukund's 5%, vests in Mastiff Industries Pvt. Ltd., whose shareholding is in turn divided between Net AgroFoods Pvt. Ltd. at 26.81% and VK Health Solutions Pvt. Ltd. at 73.19%. Dilshad is a director of Net AgroFoods Pvt. Ltd., and Saurabh Mukund holds a directorial position in VK Health Solutions Pvt. Ltd. The corporate chain thus leads from M/s Enchant upward through Mastiff to companies alleged to be controlled by the petitioner's own associates.

34. The Complainant invested INR 6,33,00,000/- in M/s Enchant under an agreement for the development of a plot, which was cancelled, and this is but one instance of the fraud alleged against the petitioner. The FIR, more broadly, alleges that the petitioner incorporated multiple companies using fabricated documents and fictitious directors to collect investor funds. The investigation has further revealed that these funds were channelled to the same Trust of which the petitioner is the Chairman, as disclosed in the SFIO complaint.

35. The SFIO complaint and the Impugned FIR, when read together, disclose a degree of congruence that is material to the adjudication of the present petition. The petitioner is arrayed as Accused No. 1 in the SFIO complaint and is specifically identified as the directing will and mind of the entire group's operations. The said excerpt of the SFIO complaint reads as under:

"Para 24:

Accused No. 1, his family members, associates, professionals jointly and severally through their various illegal acts have been able to create an empire, which consists of a core group of high net worth companies controlling smaller companies having land as an asset and a Trust controlling Glocal University. It is submitted that the Trust was primarily created as a vehicle for channelizing their own unaccounted money and for creating a façade of respectability by running educational institutions and promoting social cause. Accused No. 1 comes out as the directing will and mind of the entire operations and piercing of the corporate veil would reveal his active participation in the large scale laundering indulged by the group and creation of agriculture land bank and real estate.

Para 25:

The key outcome of the investigation carried out by the Complainant is that the unaccounted money amassed through the mining operations were through a devious pre planned strategy converted into a set of assets consisting of:

i. Large tract of agriculture land held through accused entities

ii. Closed sugar mills acquired from UPCGVNL at a throw away price, which came with a land bank of 234.76 hectare.

iii. Majority shareholding in a set of companies which are in the business of real estate and construction.

iv. Abdul Waheed Educational and Charitable Trust under whose aegis Glocal University has been set up under a State legislation. In a short period of three financial years, the balance sheet of the Trust grew from Rs. 60.39 Crore to Rs. 171.46 Crore as on 31.03.2015."

36. M/s Enchant Infrastructure Private Limited is the very company at the centre of the Impugned FIR, and it is also named as an accused entity in the SFIO complaint. The SFIO complaint records that the petitioner's group operated through an extensive network of accused entities, spanning seven identified clusters, to accumulate and launder funds across activities ranging from fictitious share allotments to the acquisition of land, real estate, and sugar mills.

37. The convergence is not confined to M/s Enchant alone. The Impugned FIR traces the corporate ownership of M/s Enchant through Mastiff Industries Pvt. Ltd., Net AgroFoods Pvt. Ltd. and VK Health Solutions Pvt. Ltd. All three entities are already named in the SFIO complaint, with Mastiff Industries appearing as Opposite Party No. 95, Net AgroFoods as Opposite Party No. 97 and VK Health Solutions as Opposite Party No. 98. Each company in the chain identified in the Impugned FIR as a conduit for the alleged fraud is therefore already an accused entity in the proceedings before the Special Court.

38. The legal provisions invoked in both proceedings also point in the same direction. The SFIO complaint, in its prayer, invokes IPC Sections 406, 420, 468, 471 and 477-A, *inter alia*, read with Section 120-B IPC, in addition to provisions of the Act. The core provisions under which the Impugned FIR stands registered are, to a substantial extent, the same. In pursuing the present investigation, the STF does not venture into any legal territory that the SFIO has not already covered.

39. In this context, it is crystal clear that the Impugned FIR names the petitioner in connection with the same companies, and the same alleged *modus operandi* that form the subject matter of the SFIO complaint pending before the Special Court. The offences invoked are, to a substantial extent, those already charged in the SFIO complaint in connection with the accused entities and the transactions under inquiry.

40. Since the basis for filing the instant petition is the pendency of the SFIO complaint of a similar nature before the appropriate authority, we deem it appropriate to discuss aspects of the statutory framework governing the SFIO's investigative mandate, as they have a direct impact on the adjudication of the instant case.

41. The Companies Act, 2013 established the SFIO as a body of specialists with expertise in banking, forensic audit, capital markets, taxation and law. Section 447 of the Act, which defines fraud in wide terms, covers the very conduct alleged in the Impugned FIR. The investigation of such fraud demands expertise that ordinary police investigation cannot be expected to bring.

42. Section 212(2) of the Act addresses this directly. Where the Central Government assigns investigation to the SFIO, no other investigating agency shall proceed further, and all relevant documents shall stand transferred. As held in ***SFIO v. Rahul Modi***[5], upon such assignment, the original agencies are completely divested of jurisdiction, and the transfer is irrevocable. The relevant part reads as under:

> *"**33.** The very expression 'assign' in Section 212(3) of the 2013 Act contemplates transfer of investigation for all purposes whereafter the original investigating agencies of the Central Government or any State Government are completely denuded of any power to conduct and complete the investigation in respect of the offences contemplated therein. The idea under sub-section (2) is complete transfer of investigation. The transfer under sub-section (2) of Section 213 would not stand revoked or recalled in any contingency. If a time-limit is construed and contemplated within which the investigation must be completed then logically, the provisions would have dealt with as to what must happen if the time-limit is not adhered to. The statute must also have contemplated a situation that a valid investigation undertaken by any investigating agency of the Central Government or the State Government which was transferred to SFIO, must then be retransferred to the said investigating agencies. But the statute does not contemplate that. The transfer is irrevocable and cannot be recalled in any manner. Once assigned, SFIO continues to have the power to conduct and complete investigation. If that be so, can such power stand curtailed or diminished if the investigation is not completed within a particular period. The statute has not prescribed any period for completion of investigation."*

43. It is also pertinent to note that the SFIO's jurisdiction is not confined to violations under the Companies Act alone. Once a transaction is assigned to the SFIO for investigation, its authority extends to all offences arising from that transaction, including those under the IPC.

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5 **(2019) 5 SCC 266, Para 33.**

44. Section 212(15) of the Act further reinforces the position. The SFIO's investigation report filed before the Special Court shall be deemed a police report under Section 173 CrPC. The SFIO therefore stands in the shoes of a police officer for all purposes of trial, including for IPC offences.

45. Section 212(17) of the Act does not, in our view, preserve any concurrent right of investigation by other agencies. The subsection provides for inter-agency sharing of information and documents. It does not reopen what Section 212(2) has closed.

46. Notwithstanding the foregoing, there is one material distinction between the SFIO complaint and the Impugned FIR. The SFIO complaint, as filed before the Special Court, does not specifically examine the transaction attributed to the complainant in respect of Plot.

47. The FIR, by contrast, is centrally concerned with this transaction. The Complainant invested INR 6,33,00,000/- in M/s Enchant for the development of Plot GH-02-D; the allotment was subsequently cancelled, and the funds were never returned. The Impugned FIR is therefore the only proceeding that seeks to bring this transaction within the ambit of criminal inquiry, and the Complainant has no recourse outside of it.

48. Applying the settled position of law to the facts of the instant case, we are of the considered view that the present case does not warrant quashing of the FIR in its entirety. We say so because the allegations in the Impugned FIR are specific, the complainant's loss has been quantified and the transaction is identifiable. More importantly, the Complainant's grievance finds no place in the SFIO Complaint. To quash the Impugned FIR would leave him without any remedy for a loss of his hard-earned money.

49. We have also considered whether the judgment rendered by the learned Single Bench of the Delhi High Court in the case of ***Ashish Bhalla v. State***[6] can come to the petitioner's rescue. However, the facts in the said case were materially different as the complainant before the SFIO and the EOW were one and the same person, and the two complaints were verbatim copies of each other.

50. Notably, in the abovementioned case, the complainant himself acknowledged in his complaint to the EOW that the nature of the offences warranted investigation only by a specialised expert agency. The Delhi High Court found the FIR to be a deliberate act of forum shopping, filed with an ulterior motive against the accused. On the contrary, in the instant case, the Complainant is not the person who triggered the SFIO proceedings, and the transaction forming the subject matter of the Impugned FIR does not find a place in the SFIO complaint.

51. Crucially, in ***Ashish Bhalla***, the learned Single Judge not only transferred the proceedings to the SFIO but also quashed the FIR. That twin relief was granted because the same complainant had approached two agencies with verbatim complaints on identical facts. The present case stands on an altogether different footing.

52. Be that as it may, the power to quash an FIR is one that courts exercise with circumspection. The allegations in the Impugned FIR, taken at face value, disclose the commission of cognizable offences under Sections 406, 420 and 120-B of the IPC. The transaction forming the basis of the Impugned FIR is specific, the amount involved is ascertainable, and the complainant is identifiable. There is no ground on which the investigation can be foreclosed at the threshold.

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6 **2023 SCC OnLine Del 5818**

53. Reverting to the question of relief, the prayer sought by the petitioner is the outright quashing of the Impugned FIR. As this Court has noted, the Complainant has no avenue of redress outside of this proceeding in respect of the transaction already referred to above. Acceding to the prayer for quashing would leave the Complainant remediless.

54. However, the refusal to quash does not, in this Court's view, fully address the situation at hand. While it is true that the Complainant has suffered a specific loss as part of the alleged fraud, it is also true that the said fraud is a part of a series of activities spanning multiple entities and is already under the SFIO's examination. Therefore, transferring the Complainant's grievance to the SFIO is the viable course that reconciles his right to an effective remedy while preventing the multiplicity of proceedings.

55. In this regard, admittedly, the SFIO has already completed its investigation, thereafter submitted the complaint, and the Special Judge has taken cognisance; however, the said factum does not exhaust the agency's investigative mandate. Section 193(9) of the BNSS expressly provides that nothing therein shall be deemed to preclude further investigation after a report has been forwarded to the Magistrate, and that further evidence, whether oral or documentary, may be collected and placed before him.

56. We are conscious that the power to transfer investigation to another agency is an extraordinary power, to be exercised sparingly and only in exceptional circumstances.[7] However, where the same scheme of fraud is already under investigation by a specialised agency, entrusting one strand of it to a general law enforcement agency does not serve the interests of either party. The Complainant requires a thorough, expert inquiry into his specific

7 **Kabir Shankar Bose v. State of West Bengal (2024) INSC 930**

grievance. The petitioner requires an investigation that does not fragment or contradict the findings already placed before the Special Court.

57. In the facts and circumstances of this case, therefore, transfer of investigation in the Impugned FIR *qua* the petitioner herein to the SFIO is the course that best serves the ends of justice for both parties. It preserves the integrity of the broader inquiry, avoids the risk of conflicting outcomes, and ensures that the Complainant's grievance is addressed within the framework of an investigation that already encompasses the scheme of which it forms a part.

58. The preceding discussion has produced two findings that together determine the appropriate relief. This Court has declined to quash the Impugned FIR, for the Complainant's grievance regarding the Plot GH-02-D transaction finds no other forum. At the same time, permitting the STF to continue a parallel investigation into the same corporate network already before the Special Court would fragment what is, in substance, a single and indivisible scheme of fraud.

59. The transfer of the investigation to the SFIO, however, is a relief the petitioner has not prayed for. The petition seeks only quashing and nothing beyond. This Court is nonetheless empowered to grant such relief as the facts of the case demand, and the jurisdiction under Article 226 is not limited to the prayer as framed.

60. In exercise of that jurisdiction, this Court directs the transfer of the investigation in the Impugned FIR qua the petitioner to the SFIO, which is the agency already seized of the broader fraud of which it forms a part.

61. In view of the foregoing discussion, the writ petition is *disposed of* in the following terms.

i) The prayer for quashing the Impugned FIR in entirety is rejected. The investigation under the Impugned FIR *qua* petitioner shall, however, stand transferred to the Serious Fraud Investigation Office with immediate effect;

ii) The STF shall forthwith transmit the case diary, all statements recorded, documents seized or collected, electronic records and any other investigative material gathered in connection with the Impugned FIR *qua* petitioner to the SFIO;

iii) The SFIO shall treat the material so transmitted as forming part of its ongoing investigation and shall investigate the allegations arising from the Plot GH-02-D transaction of the Complainant as further investigation within the meaning of Section 193(9) of the BNSS. Upon completion, the SFIO shall be at liberty to file a supplementary complaint before the Special Court, if the investigation so warrants, in accordance with Section 212(15) of the Companies Act, 2013; and

iv) The Special Court, New Delhi, before which the original SFIO complaint is pending, shall be informed of this order.

62. At last, we may hasten to add that ordinarily, investigation by the SFIO is initiated pursuant to an assignment order of the Central Government under Section 212(1) of the Act. In the present case, however, the SFIO's investigation against the petitioner was already sanctioned by the Central Government pursuant to the orders passed by the Supreme Court. This order does not constitute a fresh assignment but merely extends the scope of an ongoing inquiry. No fresh sanction is therefore required.

63. Ordered Accordingly.

64. All interim orders passed during the pendency of this writ petition shall stand vacated.

65. The pending applications, if any, stand disposed of.

(Lakshmi Kant Shukla,J.) (Chandra Dhari Singh,J.)

July 16, 2026
Saurabh