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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1943/2023**

ANITA KHANNA & ANR.

..... Petitioners

Through: Mr.Gaurav Bhatia, Sr Advocate with
Mr.Vikas Tiwari, Advocate.

versus

NAVIN JOSHI (C/O) M/S RAJWARAH
JEWELLERS PVT. LTD & ORS

..... Respondents

Through: Mr.Mukesh Kr, APP for the State
with SI Shri Bhagwan, PS GK-I/R3.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **21.03.2023**

CRL.M.A. 7406/2023

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 1943/2023 and CRL.M.A. 7405/2023

3. This petition is filed for quashing of the FIR No.132/2019 under Section 409/420/406 IPC registered at police station Greater Kailash-I, New Delhi. The allegations against the petitioners are they placed an order for jewelry supply of worth USD 2.66 Lacs and that the complainant entrusted the goods worth USD 1,03,200 to *M/s.BVC Logistics Private Limited* - a courier company to be delivered to *Great Jewel Factory Inc*, New Jersey, USA – the company belonging to the petitioners herein.
4. It is alleged by the petitioners the said consignment never reached them at New Jersey and that respondents No.1 & 2 rather filed a suit for recovery against the petitioners herein at New Jersey. On 15.02.2019 the suit was dismissed. Thereafter the respondents filed an appeal before the Superior Courts, Appellate Region at New Jersey, but it was also dismissed



on 13.03.2021. Lastly they approached the Supreme Court at New Jersey, which also declined to intervene.

5. The learned senior counsel for petitioners submits after passing of four years of filing suit at New Jersey, the complainants filed a complaint with police station in the year 2019 and that the complaint is motivated and is an abuse of process of the Court.

6. Admittedly, the FIR was registered in the year 2019 and also there is a delay on the part of the petitioners in approaching this Court for quashing of the FIR on merits. In any case, considering the facts above, notice be issued.

7. Learned APP for the State/respondent No.3 accepts notice and seeks to file status report. Be filed before next date of hearing with an advance copy thereof to the learned counsel for petitioner.

8. Notice be issued to respondents No.1 & 2 through all modes returnable on next date of hearing.

9. The learned APP for the State submits presently there is no *Look Out Circular* against the petitioners and they have no objection in case the petitioners visit India. The learned senior counsel for petitioners has an apprehension on their arrival at the airport the petitioners may be arrested. Nevertheless, the learned APP for the State submits there is no apprehension of immediate arrest of petitioners. In these circumstances, let the petitioners approach the appropriate forum for grant of anticipatory bail within a week from today, if so advised.

10. List again on 10.05.2023.

YOGESH KHANNA, J.

MARCH 21, 2023

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