2025 INSC 433

REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE/INHERENT JURISDICTION

CRIMINAL APPEAL NO._____ OF 2025
[@ SPECIAL LEAVE PETITION (CRIMINAL) NO.8403 OF 2024]

VINAY AGGARWAL ...APPELLANT(S)

Versus

THE STATE OF HARYANA AND ORS.
...RESPONDENT(S)

WITH

CONTEMPT PETITION (CIVIL) No. 772/2024
IN SLP(Crl) No. 8403/2024

AND

CRIMINAL APPEAL NO(S)._____OF 2025
[@ SPECIAL LEAVE PETITION (CRIMINAL) NO(S). OF 2025]
Diary No(s). 33284/2024

J U D G M E N T

SUDHANSHU DHULIA, J.

1. Permission to file SLP granted. Leave granted.

2. The facts taken into account in this order are from Criminal Appeal arising out of SLP (Crl) No.8403/2024 by considering it to be the lead matter. The appellant before this Court was

made an accused in an FIR No.215/2022 at P.S Sector 20, Panchkula (Haryana) under Section 120B, 177, 406, 420, 467, 468, 471, 506 of IPC. This FIR has been lodged on the basis of information given by complainant-respondent no.3 (Jagbir Singh) where it has been alleged that the appellant impersonated himself as an Inspector General (IG) of Intelligence Bureau (IB) and threatened the complainant to transfer Rs.1,49,00,000 into the appellant's account. As per this FIR, the complainant, who is in the business of pharmaceuticals, was coerced by the appellant to do business with the appellant's associates and friends including one Dr. Komal Khanna (co-accused and appellant in criminal appeal arising out of Diary No.33284/2024) and money was extorted from the complainant's firms by putting undue pressure on the complainant.

3. The FIR itself was filed on 29.10.2022. The complainant then filed a petition under Section 482 of the Criminal Procedure Code ('CrPC') before the Punjab and Haryana High Court seeking transfer of investigation from the civil police of the State of Haryana to the Central Bureau of Investigation (for short 'CBI'). This petition (under Section 482 CrPC) filed by

respondent no.3, has been allowed by the High Court vide impugned order dated 17.05.2024 where the learned Single Judge directed that the investigation in the case be handed over to CBI. Aggrieved by the same, the appellant who is the main accused in the FIR is before us.

4. Prior to the registration of the abovementioned FIR, on 06.01.2022, an earlier FIR being FIR No.01/2022 at P.S CID-Bharari, Shimla (Himachal Pradesh) was filed against appellant, which, the appellant alleges, was on the same issue and though the name of the present complainant is not there in the earlier FIR as complainant but, according to the present appellant, that too was initiated at the behest of the present complainant. The appellant argued that this FIR in Himachal Pradesh is on similar allegations alleging that the appellant, by impersonating himself as an IG (IB), had extorted lacs of rupees from industrialists including the complainant /respondent no.3. For the quashing of this FIR (No.01/2022), the appellant had filed a petition under Section 482 of CrPC before the High Court of Himachal Pradesh. The Himachal Pradesh High Court vide order dated 10.01.2025 has quashed FIR No.01/2022 against the appellant. In this order dated

10.01.2025, Himachal Pradesh High Court had observed that the FIR in Shimla was registered on the basis of some secret information and the High Court further made observations that the witnesses had made statements before police under Section 161 CrPC in order to settle some disputes with the appellant, which are only civil in nature. Consequently, Himachal Pradesh High Court quashed the FIR since the filing of the FIR itself seemed to be an abuse of the process of law.

5. We have gone through both the FIRs. We may not agree with the contentions of the appellant that the two FIRs, the one which has already been quashed and the second in which the investigation has now been handed over to the CBI vide the impugned order, are broadly similar in nature. They relate to different incidents and may have a different cause of action though some incidents narrated in one do relate to the other, but what is difficult for us to comprehend is that when the present FIR itself was filed on 22.10.2022 and the investigation itself was in its initial stage, then what was the burning hurry for the complainant to approach the High Court under Section 482 CrPC as early as January 2023 seeking an investigation by CBI instead of local police. Vague and bald

allegations were made in the Section 482 CrPC petition such as that the appellant was seen masquerading as an IB officer, and he was seen in the company of policemen of Haryana, etc. The main ground taken by the complainant before the High Court was that the police officials are acquainted with the appellant and those officers may also be involved in the present case. These claims of the complainant are not substantiated at all. Also, we may note that, in the same petition, the complainant had admitted that he knew the appellant since 2019 as they were doing business together and even if we assume that the appellant was impersonating himself as an IPS officer, it is difficult to believe that complainant was not able to find out the truth till October 2022. Thus, in our considered view, the High Court ought to have been slow in interfering in this matter as this is not a case which should have been handed over to the CBI at the initial stage itself.

6. While quashing the earlier FIR against the appellant, the Himachal Pradesh High Court had also observed that the complainant and other witnesses have used the FIR (No.01/2022) as a weapon to settle down the business

disputes with the appellant. The appellant also contends that the money shown to be transferred in his account from the account of complainant's firms is the money which was taken by complainant as a loan. However, we are not expressing any views on the merits of the case as all these aspects have to be seen during the investigation.

7. We are only on the issue of handing over the investigation to the CBI. In ***State of W.B.*** *v.* ***Committee for Protection of Democratic Rights, (2010) 3 SCC 571,*** a Five-Judge Bench of this Court held that Constitutional Courts are fully empowered to direct for CBI investigation, and restrictions under the Delhi Special Police Establishment Act, 1946 do not apply to Constitutional Courts. However, this Court had also observed that CBI investigation should not be directed in a routine manner or just because some allegations have been made against the local police. Courts should direct for CBI investigation only in exceptional cases. This is what was said by this Court:

> *"**70.**...Insofar as the question of issuing a direction to CBI to conduct investigation in a case is concerned, although no inflexible guidelines can be laid down to decide whether or not such power should be exercised but time and again it has been reiterated that such an order is not to be passed as a matter of routine or merely*

because a party has levelled some allegations against the local police. This extraordinary power must be exercised sparingly, cautiously and in exceptional situations where it becomes necessary to provide credibility and instil confidence in investigations or where the incident may have national and international ramifications or where such an order may be necessary for doing complete justice and enforcing the fundamental rights. Otherwise CBI would be flooded with a large number of cases and with limited resources, may find it difficult to properly investigate even serious cases and in the process lose its credibility and purpose with unsatisfactory investigations."

8. The parameters laid down by this Court in ***Committee for Protection of Democratic Rights (Supra)*** are not fulfilled in the present case so as to exercise the extraordinary powers of directing CBI investigation. Moreover, in our opinion, High Court was perhaps moved by the assertions made by the complainant that local police officers who will do the investigation are of lesser ranks and that the matter involves some high ranking officials and thus, local police will not be able to investigate the matter properly. However, these allegations are vague and moreover, the Commissioner, Panchkula had constituted a three-member Special Investigation Team (SIT) under the Chairmanship of the Assistant Commissioner of Police (ACP) for the investigation. One should also take note that the allegations are not against

some high ranking IPS officer but against a person who was allegedly impersonating himself as an IPS officer! The complainant has raised some allegations that high ranking police officials of Haryana Police are in connivance with the appellant, but such bald allegations are not sufficient to handover the case to CBI, without any kind of substantiation.

9. The High Courts should direct for CBI investigation only in cases where material *prima facie* discloses something calling for an investigation by CBI and it should not be done in a routine manner or on the basis of some vague allegations. The "ifs" and "buts" without any definite conclusion are not sufficient to put an agency like CBI into motion *[**See: Minor Irrigation & Rural Engg. Services, U.P.** v. **Sahngoo Ram Arya, (2002) 5 SCC 521**]*. After going through the records of the case, we are of the view that the present case is not the one where CBI investigation ought to have been directed by the High Court.

10. Hence, the order of the learned Single Judge of the High Court dated 17.05.2024 cannot be sustained and is hereby set aside. Accordingly, the appeal is allowed.

11. In light of the order in the main matter, the criminal appeal arising out of Diary No. 33284 of 2024 also stands disposed of.

12. While issuing notice in the present matter, this Court had passed an interim order dated 27.06.2024 staying the impugned order dated 17.05.2024. However, despite that, an FIR was registered on 09.07.2024 by CBI and the same has led to filing of a contempt case [Contempt Petition (C) No.772 of 2024] against CBI officials by the co-accused (Dr. Komal Khanna). In this contempt petition, Dr. Navdeep Singh Brar, IPS, Head of Branch, Special Crime Branch (CBI) had appeared before this Court and had given an unconditional apology for registration of FIR despite the stay order of this Court. In his affidavit, he has deposed that FIR dated 09.07.2024 was registered by mistake since CBI was not made aware of this Court's interim order. He has further deposed that once CBI got to know about this Court's order, all remedial steps were taken in the matter including the return of case papers to Haryana police. We accept the unconditional apology of Dr. Navdeep Singh Brar and do not wish to proceed any further in the contempt petition. Consequently, the

notices given in the above Contempt Petition (C) No.772 of 2024 are hereby discharged and the Contempt Petition stands disposed of in the above terms.

13. Before parting, we would also like to note that observations made by this Court in the present order are only limited to the issue of directing CBI investigation and these observations must not affect the investigation in any way which has to be done by the police in relation to FIR No.215/2022 at P.S Sector 20, Panchkula (Haryana) in a fair and just manner.

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

.....J.
[SUDHANSHU DHULIA]

.....J.
[K. VINOD CHANDRAN]

NEW DELHI,
April 2, 2025.