

CC No. 23556/2016
Kishan Kumar vs. Niranjan Kumar & Ors.
PS Ranjit Nagar

The matter has been taken up for pronouncement of order by way of video conferencing (CISCO Webex Meetings) on account of lockdown due to COVID-19. The counsel was already intimated by Ahlmad/ Asst. Ahlmad regarding the date and time of pronouncement of order.

23.05.2020

Present: Sh. Rama Shankar (enrollment no. D-161/1992),
Learned Counsel for the complainant through video conferencing

Vide this order, I shall decide application of the complainant moved under section 156(3) Cr.P.C for registration of FIR.

It is stated in the complaint that after death of Pandit Harchand, his 50% share in the property was inherited by his two sons namely Sher Singh and Mohan Lal. With the passage of time, Sh Sher Singh died and his 25% share in the property no.3301, Village Shadipur, Ranjit Nagar was inherited by his sons Mukesh Kumar, Lalit Kumar, Vijay Kumar and Kishan Kumar (complainant herein). After death of Mohan Lal, his legal heirs inherited 25% of his share, while after death of Pandit Gauridutt, his 50% share was inherited by his legal heirs. The property was leased out in the year 1971 by Mohan Lal s/o Pt.Harchand and Khem Chand s/o Gauri Dutt to one Ishwar Dass. The lease amount was divided between Sher Singh / legal heirs, Mohan Lal / legal heirs and Pandit Gauridutt / legal heirs

proportionate to their respective shares. A Civil Suit titled as “Sadhu Ram vs. Sunita Devi” was pending before Hon'ble High Court. In the said Civil Suit, the LRs of Gauri Dutt, Mohan Lal and Sher Singh moved an application seeking permission to withdraw the suit with permission to file fresh suit. It has been admitted by the LRs that they are owners of property bearing no. 3280 to 3304, Ranjit Nagar, Shadipur. There has been no dispute regarding the ownership of legal heirs of Goridutt, Mohan Lal and Sher Singh.

It is further stated that the complainant was surprised to see some strangers in the property No. 3301 and on inquiry, he was told by accused Vipin Kaura that he has purchased the said property. The complainant informed Vipin Kaura that he was one of the joint owner of the property and he has not consented to any such sale transaction. The complainant asked Vipin Kaura to show the ownership documents but he refused. Thereafter, the complainant applied for certified copy of the Sale Deed from the Office of Sub-Registrar and came to know that property No. 3301 has been fraudulently sold by the accused no. 1 to 10 in favour of Vipin Kaura. The joint ownership of the complainant and his predecessor in interest Late Sh Sher Singh is duly recorded in the public document. The accused persons were well aware of the joint ownership of the complainant and other LRs of Sher Singh. The accused persons forged documents and fraudulently claimed themselves to be exclusive owners of the property. When the complainant tried to talk to the accused persons and requested them not to create unnecessary dispute in respect of joint ownership of the complainant and his brothers and objected to illegal acts of the accused persons, the

accused No 11 Vipin Kaura called his relatives and associates and threatened the complainant. The complainant lodge a report with PS Ranjit Nagar but the police did not take any action. Complaint was also given to DCP but to no-avail. Thereafter, the application has been filed before the Court.

Alongwith the complaint, the complainant has filed copy of sale deed executed by Niranjan Singh, Suresh Kumar, Rajender Prashad, Ashok Kumar, Narender Pal, Sunil Kumar all sons of Late Sh Mohan Lal, Ranbir Singh, Rajbir Singh, Dharambir Sharma, Sukhbir Singh all s/o. Lekhram Sharma in favour of Vipin Kaura. Apart from the sale deed, the complainant has filed copy of Jamabandi and Khasra Girdawari to show that his predecessor in interest was having share in the property. Copy of rent receipt in respect of property No. 3301 are filed to show that Sher Singh was joint owner of the property. The complainant has also filed copy of proceedings before Hon'ble High Court of Delhi.

ATR was called. In the ATR, it is stated that FIR No. 117/18 of PS Ranjit Nagar was registered on complaint of Vishnu Dutt against Sadhu Ram & Others (sellers), Vipin Kaura, Prateek Kaura and Praveen Kumar in respect of sale documents of property no. 3300 and 3301. It is also stated that co-complainants Lishan Kumar, Mukesh Kumar, Lalit Kumar, Rohit Kaushik and Mohit Kaushik have also joined investigation and claimed themselves to be joint owners of alleged property sold out to Vipin Kaura. The complaint of present complainant Kishan Kumar was clubbed in the said case and statement under section 161 Cr.P.C was recorded.

Learned counsel for the complainant has argued that the allegations made by the complainant disclose commission of cognizable offences and hence directions may be issued for registration of FIR.

This Court has considered the submissions of Learned Counsel and perused the record.

The allegations of the complainant are that accused no.1 to 10 sold the property no. 3301 to Vipin Kaura though he and his brothers never consented to it and they are joint owners of the said property. Perusal of the ATR shows that one FIR in respect of execution of sale deed of property no. 3300 and 3301 executed in favour of Vipin Kaura is already registered on complaint of Vishnu Dutt. Further, the accused persons and the complainant are known to each other. The complainant is well aware of all the facts and circumstances and he is in possession of all the material/ evidence required by him to prove his case. Custodial interrogation of the accused is not required in this case. There is no requirement of collection of evidence by the police at this stage as the complainant can lead his evidence. Also, no investigation by the police appears to be required on the complaint of the complainant as the allegations are already being investigated in FIR no. 117/18 PS Ranjit Nagar. In this case, the court may issue summons to any relevant witness/person/authority at the instance of Complainant for bringing full fact and material pertaining to the allegations made in the complaint. Moreover, subsequently, after evidence of complainant, if it is deemed necessary, then police inquiry as envisaged U/s. 202 of CrPC can be initiated. Therefore, the present application u/s. 156(3)

Cr.P.C. is dismissed. The complainant can lead his pre summoning evidence on the complaint under Section 200, Cr. P.C.

Be put up for pre-summoning evidence on 18.07.2020.

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CC No. 2790/2016
PS Patel Nagar
Mangat Singh vs. Vikrant Kumar Pandey & Ors.

The matter has been taken up for pronouncement of order by way of video conferencing (CISCO Webex Meetings) on account of lockdown due to COVID-19. The counsel was already intimated by Ahlmad/ Asst. Ahlmad regarding the date and time of pronouncement of order.

23.05.2020

Present: Sh. Sunil Ahuja (enrol. no. D-200/1979), Learned Counsel for the complainant through video conferencing.

The matter is fixed for order on summoning of the accused persons.

Written arguments were filed on behalf of the complainant wherein it is stated that both accused had made efforts to create documents in order to show the tenanted shop as their residential address. The accused created false documents and furnished wrong information to public servant. It is also stated that on the intervening night of 10.11.2016, the accused no.1 had broken the wooden partition and trespassed in the portion which was exclusively in the possession of the complainant. It is argued that the accused had committed offences punishable under section 448/453/463/471/34 IPC.

This Court has considered the submissions of Learned counsel for the complainant and perused the record.

The complainant has examined himself as CW-1 in pre-summoning evidence. CW-1 Sh. Mangat Singh has deposed that he had inducted Vikrant Pandey as tenant in his property by creating a wooden partition with respect of area of 8 x 8 feet for a period of 11 months w.e.f 03.03.2015. The back side of the said portion had remained in his

possession which was separated by wooden partition. Accused no.2 Richa is the sister of accused no.1 Vikrant Pandey and they were residing in gali no.4, near Barkat Ram Park. Both accused created documents to show their residence from the shop which was let out. They had furnished false information to obtain Aadhar Card from public servant.

CW-1 has further deposed that in April 2014, accused no.1 had apologized in writing vide Ex. CW-1/A. On 16.11.2015, accused no.2 got her DL prepared by furnishing the address of the tenanted shop. He approached RTO with an application for cancellation of DL of accused no.2. The said DL is Ex. CW-1/B. His application for cancellation of DL to RTO is Ex. CW-1/C. In the intervening night of 10-11.01.2016, accused no.1 had broken open the wooden partition of the shop and had criminally trespassed in the portion which was exclusively in his possession. He filed complaint to police which is Ex. CW-1/D and Ex. CW-1/D1. He had also given an application to the SHO on 29.11.2015 which is Ex. CW-1/E.

CW-1 has deposed that both the accused persons had furnished wrong intimation to the public servant in order to show their residence from the tenanted shop. The accused no.1 had also trespassed into the back portion of the tenanted shop. Even in the Civil Suit no. 342/2015 accused no.1 had made a statement Ex. CW-1/G.

CW-2 Rajender Singh produced the record of the driving license in respect of Richa wherein she had described her address as 2116, Gali no. 6, Near Bhim Park, Prem Nagar, Delhi. Copy of extract of DL is Ex. CW-2/A.

In the complaint, the complainant has alleged offences punishable under Sections 448/453/463/464/471/177/182/34 IPC and offence U/s. 40 of the Adhar Act 2016.

In the pre summoning evidence, the complainant has alleged that in the night of 10-11.01.2016, accused no.1 Vikrant broke open the wooden partition of the shop and criminally trespassed in the portion which was exclusively in the possession of the complainant. ***The allegations made by the complainant is prima facie sufficient to summon accused no.1 Vikrant Pandey for offence punishable under section 448 IPC.***

The complainant has also alleged offence punishable U/s. 453 IPC. Section 453 IPC provides punishment for lurking house trespass/house breaking. Section 445 IPC defines 'house breaking' and Section 443 IPC defines 'lurking house trespass'. In the present case, the complainant has stated in his pre-summoning evidence that he had partitioned the premises by wood and the accused no.1 had broken the wooden partition and trespassed in the portion which was exclusively in his possession. The alleged act of breaking the wooden partition is covered in clause Sixthly of Section 445 IPC. The allegations of house breaking is specific only against accused No.1 Vikrant Pandey. ***The allegations are therefore sufficient to summon the accused no.1 Vikrant Pandey for offence punishable under section 453 IPC.***

The complainant has also alleged offences punishable U/s. 463, 464 and 471 IPC. Section 463 defines 'forgery' and Section 464 defines 'making a false document'. Section 471 IPC provides punishment for using as genuine a forged document.

The complainant has alleged that the shop was given on rent to the accused no.1 for commercial purpose, however he got prepared driving license and Aadhar Card of his sister/accused no.2 Richa at the said shop showing that she was residing there. The allegations of the complainant are that the accused no.1 and his sister/accused no.2 got prepared driving license and Aadhar Card showing their address as that of the shop where they were not actually living.

There is nothing to show that the accused persons had prepared any false document or part of document to cause injury to the public / to the complainant or to claim any title or to commit any fraud. The driving license and Aadhar Card were prepared and issued by the concerned department on the basis of the information furnished by Richa/accused no.2. The documents .i.e DL or Aadhar Card has neither been prepared nor signed nor executed by any of the accused. Hence, it cannot be said that the accused have prepared any forged document or false document. ***Hence the accused persons are not summoned for offences under section 463/464 IPC.***

The document Ex. CW-1/A (*Ikrarnama*) prima facie shows that this document was executed by accused Vikrant wherein he has stated that he had got prepared Aadhar Card etc. without permission of the complainant. He had further undertaken that he would get cancelled those documents within one month. Further, the statement of Vikrant Kumar Panday recorded in suit no. 342/2015 Ex. CW-1/G shows that he had taken the shop on rent from the complainant for running electronic shop. In the said statement, accused no.1 Vikrant Pandey had

stated that he would change the addresses in all his documents when the defendant (complainant herein) would handover the same to him.

The statement Ex.CW-1/G of accused Vikrant Kumar Panday shows that he was not having the original documents (aadhar and DL) got issued at shop situated at premises no. 2116, Gali no.6, Prem Nagar, Patel Nagar. There is nothing to show that Aadhar Card or Driving license were forged or it was a false document. There is also nothing to show that any of the accused had used any forged document as genuine one. ***Hence the accused are not summoned for offence punishable U/s. 471 IPC.***

The complainant has also alleged that since the accused persons had given false information regarding residential address to public servant to get DL and Aadhar card and they have also committed offences punishable U/s. 177 and 182 IPC. Section 195 (1)(a)(i) of Cr.P.C provides that no Court shall take cognizance of any offence punishable under sections 172 to 188 (both inclusive) of the Indian Penal Code (45 of 1860) except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate. The provision is clear that in case of offences regarding contempt of the lawful authority of the public servants, the complaint shall be filed by the public servant or by the Officer to whom he is subordinate. A complaint by any other individual is not maintainable for offences punishable U/s. 177 and 182 IPC. ***Hence, the accused are not summoned for offences punishable under section 177/182 IPC.***

The complainant has also alleged offence punishable U/s. 40 of Aadhar Act 2016. Chapter VII of Aadhar Act 2016 provides for Offences and Penalty. Section 34 to 36 provides penalty for impersonation. Section 37 provides penalty for disclosing identity information. Section 38 provides penalty for unauthorized access to the Central Identities Data Repository. Section 39 provides penalty for tampering with data in Central Identities Data Repository. Section 40 of Aadhar Act provides penalty for unauthorised use by requesting entity or offline verification-seeking entity. Section 41 of the Act provides penalty for non-compliance with intimation requirements.

The Aadhar Act does not cover the alleged act of giving false information about residence. There is nothing to show that the accused persons have committed offence punishable U/s. 40 of Aadhar Act. ***Hence, the accused persons are not summoned for offence punishable under section 40 of Aadhar Act.***

In view of the above discussion, this Court is of the view that the material on record is not sufficient to summon accused no.2 Richa for any of the alleged offences. **Hence, accused Richa is not summoned.**

The material is sufficient to summon only accused no. 1 namely Vikrant Kumar Pandey for offences punishable under section 448/453 IPC. Let the accused no.1 be summoned on filing of PF and complete set of documents for 07.07.2020.

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CC No. 5785/2019

**Maninder Kohli vs. M/s. AMR Infrastructures Pvt. Ltd. & Ors.
PS Patel Nagar**

The matter has been taken up for pronouncement of order by way of video conferencing (CISCO Webex Meetings) on account of lockdown due to COVID-19. The counsel was already intimated by Ahlmad/ Asst. Ahlmad regarding the date and time of pronouncement of order.

23.05.2020

Present: Sh. Alok Kumar Pandey (Enrol. no. D-364/2007),
Learned Counsel for the complainant through video conferencing.

Vide this order, I shall decide application under section 156(3) Cr.P.C filed on behalf of the complainant.

It is stated in the complaint that the accused NO 1 is the company and accused NO 2 and 7 are the Directors of the company and actively involved in day to day affairs of the company. Accused Ankit Gupta was not the Director in the year 2009 but he was actively participating in the day to day affairs of the company. The accused NO 2 to 5 approached the complainant in the first week of April 2009 through common friend Sh. Tarun Chugh for making investment. They represented that they were reputed builder and developer and they were developing project including shopping mall called *Kessel I Valley*. They assured that the construction of the shopping mall would be completed on or before March 2011 and it shall be ready for possession. A meeting was held at the house of the complainant at East Patel Nagar and accused No 2 to 7 allured the complainant for investment in the said project. The accused persons stated that the project was started by M/s. AMR Infrastructure Pvt. Ltd. and they had

already tied up with Satyam Multiplex and after completion, Multiplex Satyam would take the property of the complainant on lease and would give handsome monthly rental. They also assured that if due to any reason, Satyam would not take the Multiplex on lease, they would give the leasing rights to the company to find a new Multiplex for the purpose. The accused persons also assured return at the rate of 12% per annum on monthly basis after March 2011 till Satyam would take units on lease and give handsome monthly rental. They had also shown some papers that a collaboration/ MOU had already been entered with Satyam Multiplex. The complainant fell in the trap and executed the MOU dated 06.04.2009 and agreed to invest in a Multiplex in I Mall, plot no. 9, Tech Zone, Greater Noida for a consideration of Rs. 2,66,64,000/-.

It is further stated that the complainant had given total sum of Rs. 1,81,64,000/- through Bank and Cash mode. The accused persons also wrote a letter dated 07.04.2009 and confirmed the receipt of MOU dated 06.04.2009. They had further undertaken to make payment of Rs. 2,66,640/- every calendar month w.e.f. 1st March 2011 as a committed return of 12% for a period of 9 years or time of possession whichever is earlier. Till 01.03.2011, the accused persons had not handed over the physical possession of the property and they started giving Rs. 1,81,637/- inclusive of TDS to the complainant in order to allure the complainant. The complainant approached the company Director for possession of the project but they delayed the matter on one pretext or other. The situation became worse when the accused persons stopped the monthly payment from December, 2013. In August 2014, Ankit Gupta became the Director on record. The

complainant was running from pillar to post till 2018 but no refund had been taken place. Till that period, the Directors of M/s. AMR Infrastructure Pvt. Ltd. were in judicial custody in some other matter. In September 2018, the officials of M/s. AMR Infrastructure assured the complainant that the amount was secure and when the Directors would come out from the judicial custody, he would get entire amount with interest. The complainant was left with no option but to wait till the Directors come out the judicial custody. In July, the complainant came to know that the Directors have been released from judicial custody. When the complainant tried to approach Ankit Gupta and other accused, they threatened him to forget his claim. The complainant also came to know that the accused persons have also cheated number of other innocent buyers who had invested in their project and number of FIRs have been registered against the accused persons. The complainant lodged complaint with PS Patel Nagar on 23.07.2019 but no action was taken. Complaint was also lodged with DCP and higher officials but all in-vain. Hence, the application has been filed before the Court.

Alongwith the application, the complainant has filed print out of Master Data taken from the site of Ministry of Corporate Affairs; letter dated 07.04.2009; MOU dated 06.04.2009; copy of receipts of payments made, copy of form 26AS and copy of the complaint lodged with the police.

ATR was called. In the ATR, it is stated that on inquiry, it was found that the complainant is an NRI and he is presently living in US. The complainant personally could not be contacted for inquiry in

respect of the matter and his relative did not given any information. The contact number provided by the complainant was not reachable. The complainant did not provide any supporting documents in respect of the complaint. It is further stated that neither the alleged company nor the alleged property falls in jurisdiction of PS Patel Nagar.

Learned counsel for the complainant has argued that even if the local police found that PS Patel Nagar has no jurisdiction over the matter, the police was bound to register zero FIR and send the FIR to the concerned police station for investigation. He has relied upon order passed by Hon'ble High Court of Delhi in the matter of Kirti Vashisht vs. State CrI. M.C. 5933/2019 dated 29.11.2019 in this regard. He has also argued that the complaint disclose commission of cognizable offences. Hence, the directions may be issued for registration of FIR.

This Court has considered the submissions of Learned counsel and perused the record.

The complainant has alleged that the accused had allured him to invest in a project of which possession was to be handed over in March 2011 failing which he was guaranteed 12% annual return. He had made substantial payment against the project. The project was not ready for possession in March 2011 and the accused made payment @ 12% annual return only for few months. It is alleged that neither the entire payment has been made nor the possession has been offered nor the invested amount has been returned. The allegations made by the complainant disclose commission of cognizable offence of cheating.

In these circumstances, SHO PS Patel Nagar is directed to register an FIR under relevant provisions of law. If the SHO finds that offence occurred in jurisdiction of some other police station, Zero FIR be registered and it be sent to concerned police station for investigation. Copy of order be sent electronically (via email) to the SHO concerned for registration of FIR. Compliance report be called for 01.07.2020.

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CC No. 999/2020

**Maninder Kohli vs. M/s. Bhasin Infotech Infrastructure & Ors.
PS Patel Nagar**

The matter has been taken up for pronouncement of order by way of video conferencing (CISCO Webex Meetings) on account of lockdown due to COVID-19. The counsel was already intimated by Ahlmad/ Asst. Ahlmad regarding the date and time of pronouncement of order.

23.05.2020

Present: Sh. Alok Kumar Pandey (Enrol. no. D-364/2007),
Learned Proxy Counsel for the complainant through
video conferencing.

Vide this order, I shall decide application under section 156(3) Cr.P.C filed on behalf of the complainant.

It is stated in the complaint that the accused no.1 is a company registered under the Companies Act and the accused no. 2 to 4 were the directors of the accused no. 1 company. They were actively involved in day to day affairs of the company. The accused no. 5 is a Pvt. Ltd. Company and the accused no. 6 is the Director of the accused no. 5 Company. The accused no. 2 to 4 had approached the complainant on behalf of the accused no. 1 company in the year 2009-2010 regarding their lucrative project. A meeting took place at his residence situated at East Patel Nagar regarding their project. During discussions, the accused no. 2 to 4 had shown a rosy picture that the accused no.1 was a renowned company engaged in business of real estate development, construction of multistoried housing and commercial complexes and other related works and the accused no. 1 was developing several projects in National Capital Region and

various other locations in India. The accused no. 2 to 4 also represented that the accused no.1 company had been developing unique kind of Mall including Five Star hotel, known as "GRAND VENEZIA COMMERCIAL COMPLEX" situated at Greater Noida. The accused persons induced and persuaded the complainant to invest and buy Presidential Suite Space in aforesaid Project. The complainant also visited the site while it was under construction. In order to further allure/induce the complainant, the aforesaid accused persons further assured that M/s. Bhasin Infotech and Infrastructure Private Limited, would give him assured returns @ 12 % per annum on monthly basis till possession and after that nine years assured lease with Sheraton Group.

It is further stated that based on the representations of the accused no.2 to 4, the complainant agreed to buy fully furnished Presidential Suite Space in the said project. He paid initially Rs. 86,38,100/- and Memorandum of Understanding dated 01.08.2011 was executed. As per MOU, the accused agreed to allot fully furnished Presidential Suite space for total consideration of Rs. 2,03,00,000/-. The accused persons also issued an allotment letter dt. 02.09.2011. The accused were giving Rs. 86,381/- as 1% per month assured return. On demand of the accused persons, the complainant gave further amount of Rs. 80,00,000/- and the accused started paying 1% per month assured return on total amount of Rs. 1,66,381,00/- (Rs. 86,381/- to the complainant and Rs. 80,000/- to his wife). However, from January, 2014, they stopped paying the assured returns. The complainant approached the accused on numerous occasions and requested them to hand over the possession and to pay

balance assured returns but the accused persons gave false assurances and paid nothing. They further allured the complainant that the entire infrastructure was going through bad phase and the market was deteriorating day by day and they were unable to pay the assured returns but they would compensate the complainant. Till the year 2016, the accused persons used to put off the matter on one pretext or other and made false promises/ assurances. The complainant waited till 2016. When he pressed hard in the month of January, 2017, the accused falsely alleged that the project was delaying due to some unforeseen circumstances and they cannot deliver the same in near future. Failing in all efforts, the complainant demanded his invested amount along with assured returns not paid after December, 2013 and on this, the accused flatly refused to return the amount on lame excuses. The accused further allured that they had their another project i.e. "Mist Avenue" which was much better than project of Presidential Suite Space and they have space in Mist Avenue which they can give to the complainant on marginal profit. They agreed to adjust the entire amount (invested plus assured return) and offered allotment of IT Office in Mist Avenue. The complainant was left with no option but to accept the offer. The accused also assured that they would not charge further amount including maintenance and other charges. They also issued allotment letter dated 10th January 2017 in project Mist Avenue. When the complainant did not receive the offer of possession, he approached the Office of accused persons and asked about the same. The accused assured that very shortly the possession would be handed over. The complainant visited the site in 2019 and was shocked to see that the infrastructure was not at all ready. The

accused persons also did not give any satisfactory reply. The complainant started inquiry about the project and came to know that some part of land was not with the accused persons. The complainant also came to know that the land was lying mortgaged with some financial institution/ some other persons. It became clear to the complainant that the accused persons had nefarious designs in their mind since beginning and their sole motive was to cheat the complainant. After expiry of stipulated period of 20 months, the complainant approached the officials of the accused persons for handing over the possession as per the agreement and also asked to pay the compensation but the accused persons assured that the complainant need not worry and he would be compensated for the delay. When the complainant visited the site in January 2020, he found that the construction was not being carried out since long and there was no possibility of completion of project in near future. The project was not at all ready. The complainant also came to know that the project had been abandoned and the buyers had been cheated. Instead of delivering the possession, the officials of the accused have been extending threats to the complainant. The complainant tried to contact the accused persons but they were not talking to the complainant and they were not giving any answer regarding the project. The complainant also came to know that other innocent buyers have also been cheated by the accused persons. Thereafter, he lodged complaint with SHO, PS Patel Nagar on 25.01.2020. Complaint was also forwarded to DCP and Higher Officials but no action was taken taken. Thereafter, the application has been filed before the Court.

Alongwith the application, the complainant has filed MOU dated 1st August 2011 in respect of allotment of space in Grand Venezia Commercial Complex; allotment letter dated 2nd September 2011; letter dated 8th September 2011; ledger account to show the payment made to the accused persons; statement of account; Form 26AS; allotment letter dated 10.01.2017 of Mist Avenue; copy of FIR No. 254/19 of PS Moti Nagar registered on the complaint of one Sana Syed in respect of project Mist Avenue and copy of complaint lodged with the police.

ATR was called. In the ATR, it is stated that the Company is situated at Raja Garden and the property is situated at Greater Noida. No cognizable offence happened in the jurisdiction of PS Patel Nagar and the complaint has been sent to PS Rajouri Garden for necessary action.

During course of arguments, Learned counsel for the complainant has argued that the meetings in respect of the project has taken place at the residence of the complainant within the jurisdiction of PS Patel Nagar and therefore, this Court has jurisdiction to pass appropriate orders.

Learned counsel for the complainant has argued that even if the local police finds out that PS Patel Nagar has no jurisdiction over the matter, the police is bound to register zero FIR and send the FIR to the concerned police station. The complaint disclose commission of cognizable offences. Hence, the directions may be issued for registration of FIR.

This Court has considered the submissions of Learned counsel and perused the record.

The complainant has alleged that the accused had allured him to invest in a project and guaranteed 1% per month assured return. He had made substantial payment against the project. The project was not ready for possession within stipulated time and payment @ 1% per month was made only for few months and thereafter, the payment stopped. Thereafter, the accused assured allotment of space in their other project but possession of that space was also not offered within stipulated period. It is alleged that neither the payment against assured return has been made nor the possession has been offered nor the invested amount has been returned. The allegations made by the complainant disclose commission of cognizable offence of cheating.

In these circumstances, SHO PS Patel Nagar is directed to register an FIR under relevant provisions of law. If the SHO finds that offence occurred in jurisdiction of some other police station, Zero FIR be registered and it be sent to concerned police station for investigation. Copy of order be sent electronically (via email) to the SHO concerned for registration of FIR. Compliance report be called for 01.07.2020.

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