

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CRM-M-17546-2016 (O&M).
Decided on: May 19, 2016.**

Dipti Manchanda

.. Petitioner(s)

VERSUS

U.T., Chandigarh and others

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

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**PRESENT Mr.Rajinder Goyal, Advocate,
for the petitioner.**

M.M.S. BEDI, J. (ORAL)

In case of alleged cheating, the petitioner claims herself to be one of the victims. Two writ petitions are stated to be pending before this Court for quashing of the proceedings. The petitioner had sought intervention in the said writ petitions by filing applications under Order 1 Rule 10 CPC. The said applications were held not maintainable.,

Through the instant petition, claiming herself to be aggrieved by the fraud played by officials of M/s Tupperware India Private Limited Company, the petitioner has sought a direction that her petition/complaint should also be considered and action should be taken against respondent No.3, M/s Tupperware India Private Limited Company.

Since on the same subject matter an FIR stands

already registered against the private respondent No.3, it will not be feasible to issue a direction for registration of a separate FIR in view of the law laid down by Hon'ble the Apex Court in **T.T.Antony Vs State of Kerala & ors., 2001 AIR (SC) 2637.** On account of pendency of CWP No.19355 of 2015, a direction for registration of FIR will also not be appropriate in exercise of powers under Section 482 Cr.P.C.

The only statutory right which vests in the petitioner as one of the victims of alleged cheating by respondent No.3 is to seek a direction that in view of provisions of Section 163 (2) Cr.P.C., any voluntary statement given by her to the Investigating Officer be recorded. No such requests seem to have been made by the petitioner to the concerned Investigating Officer as is apparent from her complaint Annexure P2 addressed to the DIG, UT, Chandigarh.

As the stage of investigation in the FIR against respondent No.3, is not depicted in the petition, it will not be appropriate to issue a direction for registration of FIR. It is always open for the concerned authorities to look into the allegations by an enquiry as per judgment in **Lalita Kumari Vs State of U.P.& ors., (Full Bench), 2012 (4) SCC 1,** this allegedly being an economic offence.

The petition is dismissed as not maintainable, at this stage, without prejudice to other legal rights of the petitioner.

(M.M.S. BEDI)
JUDGE

May 19, 2016.