

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM M-7082 of 2016

Date of decision : 18.05.2016

Alok Aggarwal & anr.

....Petitioners

V/s

State of Haryana & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vikram Chaudhri, Sr. Advocate with
Ms. Isha Goyal, Advocate for the petitioners.

RAJAN GUPTA J.

Petitioners have sought quashing of FIR on the ground that same is gross abuse of process of law. A bare perusal of same shows that ingredients of offences alleged are not made out. Besides, conduct of complainant-respondent no. 3 is such that matter needs interference in inherent jurisdiction of the court. FIR may, thus, be quashed.

I have heard learned counsel for the petitioners.

FIR was registered pursuant to complaint lodged by Taran Pal Singh (respondent no. 3 herein) stating that he met the accused in a meeting. They were into garment business and directors of M/s Gateway Hospitality Pvt. Ltd. They allured the complainant to invest in their restaurant Veda which they would expand in India and foreign countries. Complainant agreed to their proposal on the premise that the same would fetch him huge profits. A meeting was, thus, fixed at Hotel Millennium Faridabad in June 2011 in which it was decided that one authorized representative from the complainant side would be appointed as a

director of M/s Gateway Hospitality Pvt. Ltd. and a new company would be formed to run the hospitality business. Believing this representation to be true, complainant company as well as his sister concern transferred an amount of ₹4,50,00,000/- in the account of M/s Gateway Hospitality Pvt. Ltd. Terms and conditions were settled orally and were reduced into writing. After receipt of amount, accused kept on avoiding execution of agreement. However after one year (i.e. 10.05.2012) same was signed at Hotel Millennium Faridabad. It was settled that one authorized representative from the complainant company would be appointed as Director of the company who would play active role in the management of M/s Gateway Hospitality Pvt. Ltd. He would also be called in every board meeting. Without his presence, meeting would be invalid. It was further decided that a joint account would be opened and signatures of said director would be must for withdrawing an amount of ₹5.00 lacs or above. After receipt of amount, accused did not adhere to their promise. Complainant was never made aware of the decisions taken in the board meetings and thus violated the terms and conditions of the agreement. They had even passed a resolution for selling franchise of Veda to Penguin Hospitality worth crores of rupees without calling Director of complainant company. Later, accused in connivance with each other opened a new restaurant in Park street, Kolkata without the knowledge of complainant. As accused did not live up to the promise, complainant asked the accused to refund the amount. Then in the month of July 2012 one of the authorized representative of complainant company Mr. Kulbeer Singh was appointed as Director of M/s Gateway hospitality Pvt. Ltd. by

executing a lease agreement in the capacity of Director with M/s Value Homz Realtors Pvt. Ltd. for opening restaurant and bar in which a lock-in period of three years with monthly rental of ₹8.00 lacs was agreed upon and signed. After two months, accused stopped paying the rent and requested the complainant to pay the same which raised suspicion in the mind of complainant. On inquiry, complainant found that a forged resolution in favour of Kulbeer Singh was executed which was signed by accused Alok Aggarwal. When complainant demanded his money back, accused executed sale-deed of property D-4/2, Vasant Vihar in favour of complainant company. Accused also assured the complainant that they would clear the bank loan of ₹4.00 crores on the said property. However, accused neither repaid the amount as agreed nor executed the sale-deed. In order to again induce the complainant, accused appointed wife of the complainant namely Karan Deep Kaur as a Director on 04.03.2013. But she was never called in any Board meetings. Due to fraud played, complainant was parted with ₹17 crores. On this statement, FIR was registered by the police and investigation ensued. Challan has been presented against the petitioners before the competent court. In my considered view, no case is made out for quashing of FIR in view of nature of allegations. Issues raised are primarily factual in nature. Same can be examined after evidence is led before the trial court. It is not possible at this stage to come to a conclusion that no offence is made out or lodging of FIR is abuse of process of law. Petition is, thus, without any merit and is hereby dismissed.

May 18, 2016

(RAJAN GUPTA)
JUDGE

Ajay