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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ CRL.M.C. 4693/2017

SUNIL ANEJA & ORS ..... Petitioners

Through: Mr. Sandeep Bhalla and Ms. Isha Bhalla, Advs.

versus

GOVT OF NCT OF DELHI ..... Respondent

Through: Mr. G.M. Farooqui, APP with SI Mukesh Yadav, P.S. Barakhamba Road.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

<u>O R D E R</u>

% 15.11.2017

By this petition, petitioners have prayed for quashing of FIR No. 74/2017 under Sections 420/406/34 IPC registered at police station Barakhamba Road, on the complaint of respondent no.2. Respondent no.2 has alleged in the FIR that he sold his land at Shirdi, Maharashtra for a sum of ₹1.80 crores. Petitioner no.1 induced him to pay him the said amount on the pretext that he would invest the same in the share market or somewhere else in his name so as to see that 12 % per annum interest is generated. On this inducement of petitioner no.1, respondent no.2 transferred ₹1.80 crores in the accounts of petitioner nos. 2 to 5, who were told to be the associates/employees of petitioner no.1. Details of transactions have been mentioned in the FIR. Complainant has alleged that in the first week of

May, 2015 he decided to invest the money in some immovable property and approached the petitioner no.1 to return the amount but he failed to repay the amount. Since second week of July, 2015, petitioner no.1 even stopped taking his calls.

Learned counsel for the petitioners submits that no inducement was extended to the respondent no.2. In fact, petitioners had extended loan to the family members of the complainant and the amounts, which was transferred by the complainant in the petitioners' account, were towards the repayment of the loan.

Investigations are at the threshold. Prima facie, I do not find that FIR is *mala fide* and is abuse of process of law. Merely because civil suit was withdrawn by the respondent no.2 does not mean that averments made in the complaint are false or have to be ignored. It is trite law that statements made in the FIR have to be taken on its face value. Investigation is at initial stage and the facts have to be verified during the investigation. It is trite law that powers under Section 482 Cr.P.C. to quash criminal proceedings are to be exercised sparingly and only in exceptional cases and not as a matter of routine when infact the matter is only at its stage of investigation. This view was taken by Supreme Court in State of Haryana vs. Bhajan Lal and Others

1992 Supp. (1) SCC 335 wherein it has held as under:

> "In the exercise of the extra-ordinary power under Article 226 or the inherent powers under Section 482 of the Code of Criminal Procedure, the following categories of cases are given by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guide- myriad kinds of cases wherein such power should be exercise."

Petitioner has place reliance on Lalita Kumari vs. State of U.P., (2014) 2 SCC 1to contend that preliminary enquiry ought to have been held since it was a commercial transaction. He further contends that it preliminary enquiry is mandatory. The judgment is in the context of different facts and is of no help to the petitioners. It does not relate to the exercise of powers of High Court under Section 482 Cr.P.C.

Petition is dismissed with cots of ₹50,000/- to be deposited by the petitioners with the Delhi High Court Legal Services Committee within two weeks. No other petition of the petitioners shall be entertained by the Registry unless costs are deposited.

A.K. PATHAK, J.

NOVEMBER 15, 2017/ga