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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P. (CRL) 3325/2017**  
**RAJINDER KUMAR TRIPATHI**

..... Petitioner

Through: Mr. M.K. Peacmez, Advocate.

versus

**STATE (NCT OF DELHI) & ORS**

..... Respondents

Through: Mr. Sanjay Lao and Mr. Siddharth  
Sindhe, Advocates with SI K. Birjit,  
P.S. Darya Ganj.

**CORAM:**

**HON'BLE MR. JUSTICE NAJMI WAZIRI**

**ORDER**

% **27.11.2017**

This petition seeks quashing of FIR No. 198/2017 under section 420/406 IPC lodged with Police Station Darya Ganj, Delhi. A complaint was made by M/s Graphics Ads Pvt. Ltd., with office at Asif Ali Road to, the Darya Ganj Police Station under section 420/406 IPC alleging therein that a fraud had been committed against it by the National Housing Development Organization (NHDO) through its Chairman, the appellant. The NHDO is stated to be an autonomous body under the Ministry of Urban Development, Govt. of India. It had invited applications from prospective agencies for rendering services such as Selection of Media Partner (Media and Publicity Campaign) for Rashtriya Awas Diwas; Event Manager for the said Diwas; Empanelment of Event Management Companies; Service provider tender; Logistic Provider, etc.

The prospective entities interested in the aforesaid contracts and works were required to deposit earnest money. The complainant claims that it had deposited more than Rs. 37 lacs in the month of January and February, 2017; however, no business came its way; its request for refund of the money was not met favourably; instead, the officials of the NDHO misbehaved with the complainant; it has come to the complainant's knowledge that around Rs. 5 crores was collected from other prospective agencies, interested in the business opportunity. In the absence of any business, the earnest money deposited ought to have been refunded to them. But despite their requests it was not refunded. The complainant feared that the aforesaid Chairman of the company was trying to leave the country after having defrauded the complainant. The petitioner states that the grievance of the complainant is primarily of a civil nature, therefore there is no ground for registration of FIR and hence, it should be quashed.

The Court is prima facie of the view that the complaint as recorded does not limit itself to civil consequences. Its merits cannot be gone into at this stage.

In the circumstances, no case is made out for quashing of FIR No. 198/2017 under Sections 420/406 IPC lodged with Police Station Darya Ganj, Delhi. The petition is accordingly dismissed.

**NAJMI WAZIRI, J**

**NOVEMBER 27, 2017**

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