

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 402 of 2018

Surendra Kumar Sharma, S/o Ram Prem Sharma, Aged About 32 Years R/o Teacher Colony, Doman Hill, Post Office- Sonawani, District- Korea, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Competent Authority (Under CPID Act 2005) District Magistrate, District Raipur, Chhattisgarh.
2. Station House Officer, P. S. - Tarbahar, District- Bilaspur, Chhattisgarh.
3. Adhiraj Developers, Through Its Partners Jitendra Bhatia, S/o M. L. Bhatiya, Aged About 50 Years, R/o Wallfort City, District Raipur, Chhattisgarh. Regd. Office- Shop No. E 7-12, Krishna Complex, Chaitanya Nagar, District Raigarh, Chhattisgarh.
4. Registrar Of Companies, Ministry Of Corporate Affairs ROC- Bilaspur, Nehru Chowk, District- Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Aman Upadhyay, Advocate.
For State	:	Mr. Ashish Shukla, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/07/2018

Heard.

1. Learned counsel for the petitioner submits that the petitioner is aggrieved by the act of the respondent No.3.
2. The similar like nature of the writ petitions have been decided by this Court giving certain directions to the police. The relevant part of the order passed in WPCR No. 520 of 2017 and other connected matters is reproduced here as under :

“4. Perusal of the documents filed with the bunch of petitions would show that it is alleged and prima facie appears that the different petitioners and apart from that other persons deposited money either in Adhiraj Infra Estates Private Limited or Adhiraj Developers Pvt. Ltd. Prima facie, it reflects that despite the promise made,

the petitioners were not provided with either of any developed house/plot. This Court during the course of hearing on the earlier occasion by order dated 30.01.2018 directed the State to enquire as to whether the Adhiraj Developers Private Limited as a company exists or not, the same is still to be answered by the State. Further considering the nature of the victims, who basically belong to grass root level and are downtrodden people and who have deposited the money with an expectation that they will get plot/house, this Court by its order dated 12.03.2018 permitted sale of the land as it was mooted jointly by the respondent to execute sale deed in favour of the petitioners to show their bona fide. But eventually as facts exists today, the sale deed has not been executed till date despite the permission granted to execute the sale deed even lodged in jail. The submission made by learned counsel for the petitioners that in case the respondent comes out with compromise with few of the complainants, then in case there are other complainants and victims, they will be left at lurch, appears to be logical. Under the circumstances, it is directed that since the FIR has already been registered, the police shall be obliged to take the statement of all the victims, whosoever approaches the police with their grievance on the basis of the document held by them and may cite them as a witness. In such eventuality it is further observed that the offence shall not be diluted or allowed to be compounded until & unless the grievance of all the depositors/victims are settled as number of higher percentage of compounding will not hold the sway for discharge from offences. It is further observed that as the complaints are also made that offences under the companies act have been committed by Adhiraj Developers Pvt. Ltd., the investigation officer who may not be acquainted with like nature of complaints of companies act, especially in this geographical area may seek necessary help from the expert on the subject and shall be free to seek assistance or advice of any counsel

including that of the petitioners and thereafter may act accordingly.”

3. Accordingly, the petitioner who is said to be aggrieved shall be at liberty to approach to the police to get the statement recorded in accordance with the guidelines given herein above.
4. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)
Judge