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

+ W.P.(CRL) 2329/2017 and Crl. M.A. 13168/2017 (interim directions)

M/S ORIENTAL TRIMEX LIMITED Petitioner

Represented by: Dr.Kislay Pandey, Mr.Jai
Prakash and Ms. Nippun
Sharma, Advocates.

versus

STATE & ORS

..... Respondents

Represented by: Mr.Rahul Mehra, Standing
Counsel for State, Mr. Jamal
Akhtar and Mr. Chaitanya
Gosain, Advocates with SI
Sushil Sharma, PS Rajinder
Nagar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

17.05.2018

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1. By the present petition, petitioner inter alia prays for a writ of mandamus for registration of FIR, also to take action against the erring police officers and to pay compensation.
2. The petitioner filed a complaint at PS Rajinder Nagar, Delhi on 29th November, 2015 levelling allegations of forgery. On the complaint of the petitioner an inquiry was conducted by the local police which found that the petitioner/complainant was providing consultancy services subject to 100% advance as per the firm's policy, however, in case of M/s Jaganmayee Brother Trading Pvt. Ltd., the petitioner agreed to provide consultancy without taking advance money and during the course of consultancy services the alleged persons requested for ₹2.50 crores on the ground that they would

return the same within sixty days with interest @18% per annum. It was also agreed between the parties that the services of both the companies, that is, M/s Oriental Trimax Ltd. and Oriental Air Shipping Services would be hired for a professional fee of ₹12.50 crores only with taxes. An agreement was entered into between Oriental Trimax Ltd. and Jaganmayee Brothers Trading Pvt. Ltd. on 10th April, 2012. On 11th June, 2012 a sum of ₹2.5 crores was returned to the petitioner, whereafter petitioner transferred a sum of ₹3 crores on 15th June, 2012. These amounts were followed by payments of ₹3.12 crores, ₹3.40 crores, ₹3.66 crores and the last amount transferred to Jaganmayee Brothers Trading Pvt. Ltd. was ₹3.84. Though, the interest amount of ₹84 lakhs was received however, the cheque of ₹3 crores (the principal amount) bounced.

3. During the course of inquiry it was also revealed that the Manager of the State Bank of India wrote a letter stating that “We are taking fully responsibility of our client M/s Jaganmayee Brothers Trading Pvt. Ltd. maintaining account No.31110147686 for amount of ₹31200000/- (Rupees Three Crores Twelve Lakhs Only) to be paid against Cheque No.003261 in favour of M/s Oriental Trimax Limited. This cheque will neither be stopped nor dishonoured upon presentation by the due date, i.e. 11th August, 2012”. Despite all these undertakings, the cheque bounced. When the petitioner inquired, it was revealed that the documents given to the petitioner were forged and fabricated.

4. Status reports were filed before the learned Metropolitan Magistrate stating that no cognizable offence was made out and hence the complaint did not warrant registration of FIR. The petitioner also approached the Economic Offence Wing of Delhi Police who too inquired into the matter

but did not register the case. Ultimately on the directions of the learned Metropolitan Magistrate under Section 156 (3) Cr.P.C., FIR No. 228/2018 under Sections 420/467/468/471/120B/34 IPC has been registered at PS Rajinder Nagar and the investigation is being conducted by PS Rajinder Nagar.

5. In view of the facts noted above, this Court feels that the investigation of the offence is required to be conducted by another agency and not the one who had conducted the inquiries and summarily dismissed, the case of the petitioner stating that no cognizable offence is made out.

6. Consequently, investigation of FIR No. 228/2018 under Sections 420/467/468/471/120B/34 IPC registered at PS Rajinder Nagar, Delhi is transferred to SIT, Crime Branch. The investigation will be monitored by the DCP concerned.

7. In view of the orders passed by this Court, no further directions are required to be passed.

8. Petition and application are disposed of.

9. It is hoped and expected that the investigation will now be conducted in all fairness uninfluenced by any observation and the petitioner will also cooperate with the investigation.

MUKTA GUPTA, J.

MAY 17, 2018

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