

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-43431-2016

Date of decision: 24.01.2019

Pipal Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Amit Arora, Advocate for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for issuance of directions to respondents No. 3 and 4, not to register further FIR against the petitioner on the same set of allegations for which earlier four FIRs bearing (i) FIR No. 151 dated 22.07.2015, (ii) FIR No.191 dated 26.09.2015, (iii) FIR No. 243 dated 09.12.2015 and (iv) FIR No. 40 dated 17.02.2016, were registered under Sections 420 and 120-B IPC at Police Station City Ferozepur, District Ferozepur (Annexurs P-1 to P-4) respectively. After detailed enquiry, if, respondent No. 4, finds that offence is made out, then instead of registering fresh FIR on the same set of allegations, names of aggrieved persons should be added as complainants in the aforesaid FIRs.

In nutshell, the petitioner acting as Managing Director has floated three limited companies, namely; (i) Nicer Green Forest Pvt. Ltd.

(1993); (ii) Nicer Green Housing Infrastructure Developer Ltd. floated (2007) and (iii) Nicer Green Housing and India Ltd. (2007), for trading in immovable properties from the collection of money in installments from general public, giving it a colour of investment. According to the prosecution, around 30,000 people invested around five thousand crores (approximately) with the petitioner, his wife and his aforesaid companies. However, when they failed to fulfill their promise either to deliver the land or to refund the amount with agreed interest, four different persons got lodged aforesaid FIRs (Annexures P-1 to P-4), against the petitioner, his wife and other co-directors of aforesaid companies at Police Station Ferozepur City.

Learned counsel for the petitioner *inter alia* contends that for the same set of allegations repeated FIRs could not have been legally registered. In case, any other person comes forward in future to register FIR, he may be joined in the aforesaid FIRs as a complainant instead of registering fresh FIR, because, if different FIRs are permitted to be registered against the petitioner, his wife, and co-directors of aforesaid companies, in that eventuality, they have to face trials at different places. In support of his contentions, learned counsel for the petitioner has placed reliance upon a judgment of Hon'ble Supreme Court in **Anju Chaudhary Vs. State of U.P. and another, 2013(1) RCR (Criminal) 686.**

On the other hand, learned State counsel assisted by learned counsel for the complainant, vehemently opposing the above submissions of learned counsel for the petitioner contends that the petitioner, his wife

and co-directors of the aforesaid companies were booked in different FIRs throughout the country on the complaints of different people. By collecting money from people of the State of Punjab, they purchased property in different parts of the country with a motive to cheat innocent public at large, deliberately knowing that they are poor investors and would not be able to take possession from them at a place distinctly situated from Punjab. Even the petitioner did not return the promised maturity amount of innocent people which was printed on the receipts, nor handed over the possession of the land. The petitioner through his aforesaid companies also cheated and defrauded the general public by forfeiting their entire amount even on default of non-payment of a single installment. Therefore, the instant petition is liable to be dismissed. Since, large number of people are poor, therefore, they have chosen to keep silent, being hopeless and helpless, on account of poverty. If any complainant from different part of the country comes forward to lodge FIR against the petitioner, his wife and co-directors of aforesaid companies in different States, the same cannot be ordered to be legally clubbed with the aforesaid FIRs, which have been registered in the State of Punjab. In support of his assertions, he relied upon a judgment of Hon'ble Apex Court in **Rameshchandra Nandlal Parikh Vs. State of Gujarat, 2006(1) RCR (Criminal). 675**

Having given considerable thoughts to the rival submissions of both the sides, this Court is of the considered opinion that this petition is completely devoid of any merit for the reasons to follow:-

All the aforesaid three companies floated by the petitioner

have got printed different receipts with different terms and conditions. Undisputedly, the aforesaid companies of the petitioner were doing business throughout the country. Therefore, any complainant raising grouse against the petitioner or his companies at a far away States may be Maharashtra, Karnataka, Tamil Nadu etc. etc. cannot be made liable to join the complainants in the aforesaid FIRs registered in the State of Punjab, more particularly, when he deposited his hard earned money with the petitioner, his wife or his co-directors of the companies, aforesaid, at different time, place and with different terms and conditions. Different complainants spread all over the entire country cannot be made to suffer for their travelling expenses, boarding and lodging and also for their livelihood for the days or period they would consume in travelling for coming to Punjab, to join proceedings in the aforesaid FIRs, to satisfy the whims and fantasies of the petitioner, his wife and co-directors of aforesaid companies.

The facts and circumstances of judgment in Anju Chaudhary's case (supra), relied upon by learned counsel for the petitioner are completely distinguishable from the facts of the present case. On making thorough reading of this judgment, it is evident that the same instead of helping the petitioner, goes against him, whereas in Rameshchandra Nandlal Parikh's case (supra), the Hon'ble Supreme Court has held that in case during investigation, independent and distinct offences against accused come to notice, in that eventuality, registration of separate FIR in respect of each offence is not illegal.

It is needless to mention here that the instant petition is

completely a *mala fide* and dishonest attempt of the petitioner to cheat public at large residing in different States by directing them to join in the FIRs (Annexures P-1 to P-4) registered in the State of Punjab, so that they may not come forward, considering their un-necessary fatigue, travelling expenses, debarring them to earn their livelihood the period during which they have to spend in coming to Punjab. In other words, through this petition, the petitioner wants to usurp several thousand crores of rupees of the innocent people which, as per allegations of the prosecution, is around rupees five thousand crores.

In view of discussion made above, the instant petition being meritless is dismissed.

January 24, 2019
rishu

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No