

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.22191 of 2019
Date of Decision:17.10.2019**

M/s H.S. Oberoi-VSPL-IV & another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- . Mr. R.K. Handa, Advocate for the petitioners.

TEJINDER SINGH DHINDSA J.(Oral)

The petitioners herein had earlier approached this Court in terms of filing CWP No.18483 of 2019 and which was disposed of on 10.07.2019 in the following terms:-

Petitioners have filed the instant writ petition under Article 226 of the Constitution of India raising a threefold prayer;

(i) quashing of FIR No.101, dated 25.06.2019, registered at Police Station BPTP, Faridabad, under Sections 420/467/468/471 and 120-B IPC is sought.

(ii) Mandamus is sought directing the official respondents No.3 and 4 to register an FIR against respondents No.5 to 7 in pursuance to a complaint that has been lodged by the petitioners.

(iii) Further directions are sought for respondents No.1 to 4 to take necessary steps to ensure that respondents No.5 to 7 do not create any hindrance insofar as the carrying

out of the project in hand with the petitioners.

Even though in not so many words but learned counsel for the petitioners would submit that there is an additional prayer for the life and liberty of the petitioners as they apprehend a threat to the same at the hands of respondents No.5 to 7.

Learned counsel has been heard at length and the pleadings on record have been perused.

Insofar as the prayers culled out at Sr. Nos.(i) and (iii) are concerned, the petitioners have their alternate remedies in accordance with law. If the petitioners are so advised, it would be open for them to seek quashing of the FIR by filing a petition under Section 482 Cr.P.C. and on such grounds as may be permissible in accordance with law. Even with regard to registration of the FIR pursuant to a complaint having been lodged and the police authorities not acting upon such complaint, there would be a remedy available to the petitioners under the provisions of the Criminal Procedure Code.

Insofar as an injunction being sought against respondents No.5 to 7 for not to create any hindrance/obstruction to carry out the business interest of the petitioners, appropriate civil remedies are available.

Accordingly, this Court is not inclined to entertain the instant petition as regards prayers at Sr. Nos.(i) to (iii). Liberty, however, is granted to the petitioners to avail of

their alternate remedies.

As regards the additional prayer made by counsel that there being a threat perception to the life and liberty of the petitioners, liberty is granted to them to approach respondent Nos.3 and 4 confined to such threat perception. In the eventuality of any application being preferred confined as regards threat to life, respondents No.3 and 4 would be obligated to look into the matter and to thereafter take steps as they may deem fit in accordance with law.

Disposed of.

The instant writ petition seeks a mandamus for directing the official respondents to comply with the order dated 10.07.2019 reproduced hereinabove.

Since an advance copy of the writ paper-book had been served upon the State, Mr. Siddharth Sanwaria, DAG, Haryana, has filed in Court today a status report by way of an affidavit of the Deputy Commissioner of Police, Central Zone, Faridabad on behalf of respondents No.1 to 4. The same is taken on record. Copy supplied to counsel opposite.

Para 2 and 3 of the status report recites as under:-

That in compliance the order of this Hon'ble High Court as well as senior police officer of the District, the Inspector/SHO, BPTP, gave directions to the in-charge, PCR and rider of patrolling party, sector-80, Faridabad to contact the petitioners at his given address. Whereas neither the petitioners appeared in person nor they made request for

providing security to them so far. In this regard, in-charge PCR and rider have been directed to visit the site and maintain law and order situation according to law. As per report received from PCR rider, that in-charge has made efforts to contact the mobile numbers of the petitioners but found switched off.

That the complaint dated 05.07.2019 was received in police station BPTP vide diary No.114-5P-II dated 05.07.2019 and as per report said complaint was already seen and filed. The complaint dated 07.07.2019 was received in police station vide diary No.117-5P-II dated 07.07.2019. The complaint dated 16.07.2019 and 23.07.2019 were received in police station BPTP vide diary No.132-5P-II dated 16.07.2019 and diary No.143-5P-II dated 23.07.2019 respectively. In this regard FIR No.101 dated 25.06.2019 under section 420, 120-B, 467, 468, 471 IPC was registered against alleged persons Manveer Singh Oberoi and HS Oberoi (Directors), Puneet Handa (Partner), Anuj Madaan (employee). Alleged persons namely Manveer Oberoi and Vineet Handa had applied for granting anticipatory bail before the court of Dr. Virender Parsad, Ld. ASJ, Faridabad which was dismissed on 16.07.2019.”

In view of the above, no further directions are required to be passed.

Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

October 17, 2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No