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

Date of decision: 04.12.2019

+ CRL.M.C. 6157/2019

SUNIL VERMA

..... Petitioner

Through: Mr. Ravi Chawla and Mr. Avi Kalra,
Advs.

versus

STATE & ORS

..... Respondents

Through: Mr.Panna Lal Sharma, APP for State
with SI Pawan, PS - EOW

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

CRL.M.A. 41601/2019

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

CRL.M.C. 6157/2019

3. Vide the present petition, the petitioner seeks direction thereby directing the learned Metropolitan Magistrate for early disposal of application under Section 156(3) Cr.P.C. or in alternative, direct the concerned SHO, EOW, New Delhi to lodge an FIR against the respondent Nos.2 & 3 as per the provisions of law.

4. The case of the petitioner is that learned Trial Court has been sitting on the file since the past 160 days, as the case is pending orders on the application under Section 156(3) Cr.P.C. and the court has failed to pass any order on the same, without any justified reason, thereby causing great prejudice and an irreparable loss to the petitioner.

5. The Respondent No.2 and 3 are husband and wife and are running a gym in the name of Olympia Gymnasium, popularly known as Olympia Gym at S-569, Greater Kailash- II, New Delhi- 110048. However, respondent No.2 claims himself to be the proprietor of the said Gym but respondent No.3 also works there and manages the office of the Gym. The petitioner has been permanent member of the said Olympia Gym since 2013 because of which the petitioner and respondent No.2 had developed a close acquaintance with each other.

6. The petitioner was approached by the respondent No.2 & 3 in December 2015 for some financial help/investment as they wanted to expand their business where the respondent No.2 gave an assurance to the petitioner that he will introduce the petitioner as a partner with equal share in his business if the petitioner makes a total investment of ₹3,00,00,000/- (Rupees Three Crores only) in the respondent No.2's business i.e. in

Olympia Gym. The respondent No.2 induced the petitioner by showing a very lucrative business model and further told the petitioner that this business would yield huge profits from the starting. The respondent No.2 convinced the petitioner and the petitioner invested a total amount of ₹3,00,00,000/- in their business. Accordingly, the investment of ₹2,85,55,900/- was done on different dates through cheques by the petitioner to the respondent No.2's account in the name of "The Fitness Club". The remaining balance of the investment of ₹14,44,100/- was done through Cash Payments on various dates. The details of the same are part of the present petition.

7. Since, the payments were made in part, therefore, as and when the petitioner insisted for the execution of partnership deed, the respondent Nos. 2 and 3 promised that the partnership deed will be executed once the entire investment is made by the petitioner but so far as the share of the profit of the petitioner, for the period from Jan. 2016 to the date when the final payment towards the investment of ₹3 Crores is done shall, be calculated as per the investment made by the petitioner from time to time and same will be given at the time of execution of the partnership deed or same will be added as further investment on part of the petitioner in the partnership

business.

8. In March, 2018 the Petitioner approached respondent Nos.2 and 3 regarding the promised partnership in their Olympia Gym. The petitioner was shocked as the respondent No.2 refused to execute the said partnership deed without any reasons.

9. Learned counsel for the petitioner submits that the present petition is filed due to the aforesaid cause of action. The petitioner made the complaint to various police authorities, however, till date, no action has been taken. Moreover, the learned Trial Court has not taken any decision on the application filed by the petitioner under Section 156 (3) Cr.P.C.

10. Keeping in view the facts and circumstances of the case discussed above, I hereby direct the learned Trial Court to dispose of the application filed by the petitioner tomorrow or within two weeks from the next date of hearing.

11. The present petition is accordingly allowed and disposed of.

12. Order *dasti* under the signatures of Court Master.

(SURESH KUMAR KAIT)
JUDGE

DECEMBER 04, 2019/PB