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

\+ **W.P.(CRL) 570/2020**

PARIMAL SINGH & ORS. ..... Petitioners

Through: Mr Ajayinder Sangwan, Mr Sachin Choudhary, Mr Pankaj Tyagi and Mr Ravinder Sharma, Advocates.

versus

STATE & ANR. ..... Respondents

Through: Mr R. S. Kundu, ASC for State with Mr Shivam Saharon and Mr Hitesh Vali, Advocate for State with SI Dheer Singh, PS Farsh Bazar.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

% **27.02.2020**

CRL.M.A. 4327/2020

1. Allowed, subject to all just exceptions.

W.P.(CRL) 570/2020 & CRL.M.A. 4326/2020

2. The petitioners have filed the present petition, *inter alia,* praying that FIR No.0487/2019 under Sections 406/34 of the IPC registered with PS Farsh Bazar and all proceedings emanating therefrom, be quashed.

3. The said FIR was registered at the instance of one Tarun Tyagi. He had alleged that the petitioner had cheated several persons and had also committed criminal breach of trust. He had stated that the petitioners were all residents of 284/A, Shahdara, Delhi-110032 and were related to each other. He alleged that over a period of time, the petitioners had borrowed

monies from several persons as friendly loans with a promise to return the same to the complainants. The complainant has also provided the details of the monies advanced by various complainants.

4. It was alleged that on the morning on 12.11.2015, the complainant found that the main door of the house of the petitioners was locked from outside. On further inquiries, it was found that the accused persons had fled overnight with all their baggage. The complainants made further efforts to trace the petitioners but their mobile phones were switched off. It is alleged that the accused persons had borrowed an aggregate sum of ₹1.48 crores, which included life savings of many complainants. It is further alleged that this was part of a pre-meditated plan to defraud the complaints of their money.

5. The learned counsel appearing for the appellant submits that FIR is vague and is bereft of any details inasmuch as it does not indicate as to how the funds were paid. He submitted that the diary sheet produced on record, which records the names of various persons who had lent funds and the amount received from them, has been given undue weightage and cannot form the basis of an FIR. And, therefore, the same ought to be quashed.

6. The aforesaid contention is unmerited. The FIR clearly discloses commission of an offence. It is alleged in the FIR that the petitioners had accepted funds from various persons in a pre-planned manner to defraud them and to this end, the petitioners had fled without leaving their forwarding address and had also switched off their mobiles phones.

7. Mr Kundu, learned ASC appearing for the State submits that further investigations have revealed that the petitioners had also issued certificates of some schemes and the allegation of the commission of an offence

punishable under Section 420 of the IPC has also been added.

8. The petition is unmerited and is, accordingly, dismissed.

VIBHU BAKHRU, J

FEBRUARY 27, 2020
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