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

+ **W.P.(CRL) 2013/2019**

MS. NAMRATA ARORA & ANR Petitioners

Through Mr Praveen Suri, Advocate.

versus

THE COMMISSIONER OF POLICE & ORS Respondents

Through Ms Richa Kapoor, ASC for State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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18.08.2020

[Hearing held through videoconferencing]

CRL.M.A. 11080/2020

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

CRL. M.A.11079/2020

3. This is an application seeking early hearing of the above captioned writ petition. For the reasons stated in the application, the same is allowed.

W.P.(CRL) 2013/2019

4. The petitioner has filed the present petition, *inter alia*, praying as under:-

"(a) by way of an appropriate writ i.e. quo-warranto/writ of certiorari, directions be made to the Respondent nos. 1 to 4 to investigate the cognizable offences as disclosed by the petitioners in their

complaint dated 9.5.2019;

- (b) a FIR may be registered against all the proprietors partners of the Company especially Shri Manoj Goyal (M.Kumar), who lured the petitioners;
- (c) Costs of the present writ petition be awarded in favour of the petitioners and against the respondents."

5. It is the petitioners' case that petitioner no. 1 was allured by M/s Krishna Developers and Promoters acting through its constituent partner Sh. M. Kumar, to book a shop/office for various public purposes in GNS Plaza situated at LG-6, S/7/1, Site-IV (Adjacent to Radisson Hotel), Greater Noida, District Gautam Budh Nagar, Uttar Pradesh for a sum of ₹50 lakhs. Petitioner no.1 claims that he was assured that he would get a return of ₹1,86,500/- per month for a period of seven years till the possession is handed over to him. It is alleged that petitioner no. 2 was also induced, in a similar manner to book a shop/office at GNS Plaza, for a sum of ₹25 lakhs and was assured a minimum amount of ₹97,037/- per month for a period of seven years till possession is handed over to him.

6. It is stated that Mr M. Kumar and M/s Krishna Developers and Promoters have failed to perform their obligations. It is alleged that false promises were made by them to induce the petitioners to invest in their project. It is in the aforesaid context that the petitioners claim that an offence punishable under Section 420 of the IPC has been committed.

7. The petitioners state that although a complaint has been made in this regard but FIR has not been registered. In the aforesaid context, the

petitioners pray that the FIR be registered against the constituent partners of M/s Krishna Developers and Promoters including Mr M. Kumar.

8. Mr Suri, learned counsel appearing for the petitioners contends that directions be also issued to The Directorate of Enforcement (respondent no.4) to institute proceedings for an offence punishable under the Prevention of Money Laundering Act, 2002.

9. The petitioners prayer for seeking direction to register an FIR cannot be entertained at this stage as the petitioners have not exhausted their alternate remedies. The Supreme Court has in a number of decisions, held that it is necessary for the complainant to exhaust all alternate remedies before approaching the High Court. (See *Sakiri Vasu v. State Of Uttar Pradesh And Others: (2008) 2 SCC 409* followed in *Sudhir Bhaskarrao Tambe v. Hemant Yashwant Dhage and Others: (2016) 6 SCC 277* and more recently in *M. Subramaniam and Another vs S. Janki and Anr. Criminal Appeal No. 102/2011 decided on 20.03.2020*)

10. In view of the above, this Court does not consider it apposite to entertain the present petition and the same is dismissed.

11. All rights and contentions of the petitioners are reserved.

12. The hearing scheduled on 11.09.2020 is cancelled.

VIBHU BAKHRU, J

AUGUST 18, 2020

pkv