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

\+ **W.P.(CRL) 1531/2018**

RAJENDER @ RAJU GOENKA ..... Petitioner

Through Mr Amit Sharma, Advocate with Mr H.S. Rai, Advocate.

versus

STATE (NCT OF DELHI) & ANR ..... Respondents

Through Mr Avi Singh, ASC with
Ms Purnima, Advocate for state.
SI Amit Kumar, P.S. Subhash Palace present.
Mr Avinash Laurayal, Advocate for R2.

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\+ **W.P.(CRL) 1532/2018**

SHASHI SEHGAL ..... Petitioner

Through Mr Amit Sharma, Advocate with Mr H.S. Rai, Advocate.

versus

STATE (NCT OF DELHI) ..... Respondent

Through Mr Avi Singh, ASC with
Ms Purnima, Advocate for state.
SI Amit Kumar, P.S. Subhash Palace present.
Mr Avinash Laurayal, Advocate for R2.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **22.01.2020**

1. The petitioners have filed the present petitions, *inter alia*, praying that

the FIR No. 751/2014 under Sections 420/468/471 of the IPC, registered with Police Station Saraswati Vihar, Delhi and subsequent proceedings emanating therefrom, be quashed.

2. Mr Avi Singh, learned ASC appearing for the State states that the chargesheet and a supplementary charge sheet has already been filed and cognizance has been taken.

3. The status report has also been filed. A plain reading of the FIR in question indicates that respondent no.2 has alleged that he has been induced to enter into a franchise agreement for dealing in garments under the brand name of SEPIA, which is owned by the petitioner. He alleges that he was assured a return of ₹2.85 lakhs per month. He also claims that he had paid a sum of ₹25,00,000/- in cash in May, 2013, however, there is no document evidencing payment/receipt of such a large sum in cash. The complainant also states that the said amount had been borrowed from other persons.

4. The status report does not indicate that any investigation was done by examining the income tax returns of the complainant in this regard.

5. The petitioners also allege that it is the *modus operandi* of respondent no.2 (complainant) to enter into agreements with parties and subsequently deny his signatures on the agreements and file false complaints to extort funds from them.

6. The status report indicates that respondent no2. was asked to disclose all other complaints and FIR filed by him but he had refused to do so. This Court is, *prima facie*, of the view that the investigation has, thus, remained incomplete.

7. The learned counsel appearing for respondent no.2 is present in Court and states that respondent no.2 shall make full disclosure of all FIRs and complaints made by him before any authority. Respondent no.2 is bound down to the said statement.

8. The Investigating Officer is directed to investigate and collect details of other complaints filed by respondent no.2. The IO shall investigate the income tax returns filed by respondent no.2 to ascertain whether any disclosure of payment of ₹25 lakhs in cash has been made to the income tax authorities and also examine the sources, thereof.

9. Let a supplementary report, indicating the additional enquiries made and material collected, be filed before the concerned Trial Court.

10. Insofar as quashing of the FIR in question is concerned, this Court does not consider it apposite to do so. It will be open for the petitioner to urge all contentions before the Trial court.

11. The petitions are disposed of with the aforesaid directions.

VIBHU BAKHRU, J

JANUARY 22, 2020
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