

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

101

CWP-3841-2020 (O&M)
Date of decision: 02.03.2021

UNIFACT EDUTECH PVT. LTD AND OTHERS ...Petitioners

Versus

STATE OF HARYANA AND OTHERS ...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. Vishwendra Verma, Advocate for the petitioners.
Mr. Samarth Sagar, Addl. AG, Haryana.

ANIL KSHETARPAL, J. (Oral)

In the considered view of this Court, present writ petition is an abuse of the process of the Court. Through this writ petition, the petitioners have prayed for the following substantive reliefs:-

“i. Issuance of a writ in the nature of mandamus for protection of rights of the petitioners 2 to 4 under Articles 19 and 21 of the Constitution of India with a prayer to direct the respondents to conduct proper and fair investigation/inquiry in the FIR No.610 dated 30.09.2019, PS DLF Distt. Gurgaon under Section 406/420/506 IPC, FIR No.0300 dated 25.05.2019 PS DLF Distt. Gurgaon under Section 406/420 IPC, FIR No.0016 dated 10.01.2020, PS DLF Distt. Gurgaon under Section 420/467/468/471 IPC, FIR No.0017 dated 10.01.2020, PS DLF Distt. Gurgaon under Section 420/467/468/471 IPC, FIR No.0429 dated 20.05.2019, PS Panipat City Distt. Panipat under Section 406/420 IPC as per law especially in view of the arbitration clause set in the agreements with the complainants, annexed with petition, being purely civil dispute and

further directing the respondent No.1 and 2 to pass appropriate speaking orders on the representations dated Annexure P-12 (colly) further directing the respondent No.3 to 5 to hold proper and fair investigation.

ii. Further writ in the nature of mandamus directing the respondent No.1 and 2 to protect the rights of the petitioners under Articles 19 and 21 of the Constitution of India by holding inquiry before registration of any FIR on the complaint regarding any alleged economic offence received in future providing fair chance to the petitioners by participating in the inquiry as registration of FIR after FIR without holding inquiry is causing irreparable loss to the petitioners as well as students who are presently availing the services/consultancy for study at Universities outside India and to entrust the investigation of the instant case for any fair and competent investigation of the instant FIRs as stated in the petition to fair and competent investigation agency which this Hon'ble Court deems fit to meet the ends of justice. Further directing the respondents to take proper legal action against the persons who might be found liable for false implications for petitioners in the FIRs by furnishing false and misleading information about the dispute if any which is purely civil in nature for avenging their personal grudge and malice and concealing material facts while filing the complaint before the police.

iii. To issue any other writ, order or direction which this Hon'ble High Court may deem fit and proper under the peculiar facts and circumstances of the present case.

iv. It is further prayed that during the pendency of the present writ petition the proceeding in the FIR No.610 dated 30.09.2019, PS DLF Distt. Gurgaon under Section

406/420/506 IPC, FIR No.0300 dated 25.05.2019 PS DLF Distt. Gurgaon under Section 406/420 IPC, FIR No.0016 dated 10.01.2020, PS DLF Distt. Gurgaon under Section 420/467/468/471 IPC, FIR No.0017 dated 10.01.2020, PS DLF Distt. Gurgaon under Section 420/467/468/471 IPC, FIR No.0429 dated 20.05.2019, PS Panipat City Distt. Panipat under Section 406/420 IPC may kindly be stayed in the interest of justice, equity and fair play.”

Sh. Samarth Sagar, Addl. AG, Haryana, has filed status report by way of affidavit of Assistant Commissioner of Police, DLF, Gurugram on behalf of respondent No.1 to 4, same is taken on record. It has been disclosed that the petitioner company allured a number of students by offering them education in various courses in Germany and collected huge amount. However, neither the students were able to get admission nor amount collected was returned. As per the affidavit, following cases along with their status has been disclosed:-

1. FIR No.300 of 2019 under Section 420/406 IPC PS DLF Sector 29, Gurugram

There are six accused persons in this case i.e Ranadeep Ghoshal, Aashima Malhotra, Prateek Nepalia, Sandeepan Kavirajan, Kaushik Bose and Pooja Boria. The matter is under investigation.

2. FIR No.392 of 2019 under Section 420/406 IPC PS Shivaji Nagar, Gurugram

In this matter, a quashing petition has been filed before this Hon'ble High Court which is fixed for 27.04.2021.

3. FIR No.429 of 2019 under Section 420/406 IPC PS City Panipat

The challan in this case has been submitted in the Court on 04.10.2019. The trial of the case is fixed for 04.03.2021 in the Court of Ld. CJM, Panipat. The warrants of the accused persons have been issued by the Ld. CJM.

4. FIR No.610 of 2019 under Section 420/406/467/468/471/506 IPC PS DLF Sector 29, Gurugram

There are seven accused persons in this case i.e. Ranadeep Ghoshal, Aashima Malhotra, Prateek Nepalia, Sandeepan Kavirajan, Kaushik Bose, Anant Kumar and Pooja Boria. The challan against Kaushik Bose and Anant Kumar has been submitted in the Court and the matter is fixed for 04.03.2021 in the Court of Ld. CJM, Gurugram. The matter is under investigation qua the other accused.

5. FIR No.16 of 2020 under Section 420/406/467/468/471 IPC PS DLF Sector 29, Gurugram

There are five accused persons in this case i.e. Ranadeep Ghoshal, Aashima Malhotra, Prateek Nepalia, Sandeepan Kavirajan and Kaushik Bose. The challan against Kaushik Bose has been submitted in the Court and the matter is fixed for 26.05.2021 in the Court of Ld. CJM, Gurugram. The matter is under investigation qua the other accused.

6. FIR No.17 of 2020 under Section 420/406/467/468/471 IPC PS DLF Sector 29, Gurugram

The accused persons in this case are Ranadeep Ghoshal, Aashima Malhotra, Prateek Nepalia, Sandeepan Kavirajan and Kaushik Bose. The challan against Kaushik Bose has been submitted in the Court and the

matter is fixed for 26.05.2021 in the Court of Ld. CJM, Gurugram. The matter is under investigation qua the other accused.

7. FIR No.132 of 2020 under Section 420/406/506/120-B IPC PS Sector 29, Gurugram

The accused persons Ranadeep Ghoshal, Aashima Malhotra, Prateek Nepalia, Sandeepan Kavirajan and Kaushik Bose have not joined the investigation as yet. The matter is under investigation.

8. FIR No.188 of 2020 under Section 420/406 IPC PS DLF Sector 29, Gurugram

The accused persons Ranadeep Ghoshal, Aashima Malhotra and Prateek Nepalia have not joined the investigation till date. The matter is under investigation.

9. FIR No.198 of 2020 under Section 420/406 IPC PS DLF Sector 29, Gurugram

The accused persons Ranadeep Ghoshal, Aashima Malhotra and Prateek Nepalia have not joined the investigation till date. The matter is under investigation.

10. FIR No.239 of 2020 under Section 420/406/506 IPC PS DLF Sector 29, Gurugram

The accused persons Ranadeep Ghoshal, Aashima Malhotra and Prateek Nepalia have not joined the investigation till date. The matter is under investigation.

11. FIR No.63 of 2021 under Section 420 IPC PS DLF Sector 29, Gurugram

The matter is under investigation.

As per information available on the High Court website, the petitioners and other co-accused have filed various petitions before this Court which have either been decided or are pending. The information available from the High Court website is extracted as

under:-

<i>Sr. No.</i>	<i>FIR No.</i>	<i>Case No.</i>	<i>Status</i>	<i>Remarks</i>
1	FIR No. 392 dated 24/03/2019 u/s 420,406 IPC P.S. DLF , Sector -29 Gurugram	CRM-M-40974- 2019 titled as Ranadeep Ghosal and another Vs. State of Haryana and another	Pending for 27/04/2021	Compromise quashing
2	FIR No. 610 dated 30.09.2019 U/s 406,420,467 , 468 and 471. and 120 B IPC	CRM-M-9232- 2020 titled as Ranadeep ghosal Vs. State of Haryana CRM-M-49941-2019 titled as Uniglobal Services Pvt. Limited and another Vs. State of Haryana CRM –M-11977-2020 titled as Kaushik Bose Vs. State of Haryana (Regular Bail) CRM-M20461-2020 tiltled as Prateek Nepalia Vs. State of Haryana	Pending for 06/04/2021 Pending for 22.04.2021 Allowed on 05/06/2020 by HMJ Mahabir Singh Sindhu Dismissed on 15/01/2021 By HMJ Har Naresh Singh Gill	Anticipatory Bail Quashing Regular Bail Pre arrest Bail
3	FIR No. 16 dated 10.01.2020 U/s 406,420,467,468,471 of IPC Police Station at DLF Sector -29 Gurugram	CRM-M -9248- 2020 titled as Ranadeep Ghosal Vs. State of Haryana CRM –M24899-2020 titled as Parteen Nepalia Vs. State of Haryana CRM –M4095-2021 titled as Kaushik Bose Vs. State of Haryana	Interim Bail granted Pending for 07/04/2021 Pending for 07/04/2021 Pending for 05/03/2021	Pre arrest bail Pre arrest Bail Quashing

<i>Sr. No.</i>	<i>FIR No.</i>	<i>Case No.</i>	<i>Status</i>	<i>Remarks</i>
4	FIR No. 239 dated 08/07/2020 U/s 406,420 IPC , Police Station DLF Sector - 29 Gurugram	CRM-M-30770-2020 titled as Parteek Nepalia Vs. State of Haryana CRM-M-43958-2020 titled as Ashima Malhotra Vs. State of Haryana CRM-M-43610-2020, titled as Ranadeep Ghosal Vs. State of Haryana	Pending for 19/03/2021 Interim order has been vacated vide order dated 22.01.2021 Interim relief granted, Pending for 09/04/2021 Interim relief granted Next date - 09/04/2021	Pre arrest bail Pre arrest bail Pre arrest Bail
5	FIR No. 198 dated 03/06/2020 U/s 406,420, IPC , Police Station DLF , Sector - 29 Gurugram	CRM-M-29315-2020 titled as Prateek Nepalia Vs. State of Haryana	Dismissed By HMJ Har Naresh Singh Gill on 26/11/2020	Quashing
6	FIR No. 17 dated 10/01/2020 u/s 406,420,467,468,471 IPC , Police Station , DLF Sector -29 Gurugram	CRM-M- 9192 - 2020 titled as Ranadeep Ghosal Vs. State of Haryana CRM-M-24354-2020 titled as Prateek Nepalia Vs. State of Haryana	Dismissed by HMJ H.S. Madan on 07/01/2020 Dismissed by HMJ H.S. Madan on 07/01/2020	Anticipatory Bail Anticipatory Bail
7	FIR No. 132 dated 24/03/2020 u/s 406,420, 467,468, and 471 IPC , Police Station , Sector -29, Gurugram	CRM-M-31254- 2020 titled as Prateek Nepalia Vs. State of Haryana CRM-M-43890- 2020 titled as Ashima Malhotra Vs. State of Haryana CRM-M-43944- 2020 titled as Ranadeep Ghosal Vs. State of Haryana	Interim bail granted by HMs. J. Jai Shree Thakur Pending for 05/04/2021 Interim bail granted ,and Pending for 03/05/2021 Interim bail granted and Pending for 03/05/2021	Anticipatory Bail

<i>Sr. No.</i>	<i>FIR No.</i>	<i>Case No.</i>	<i>Status</i>	<i>Remarks</i>
8	FIR No. 188 dated 23/05/2020 u/s 420,406 IPC , Police Station DLF , Sector - 29 Gurugram	CRM-M-29768- 2020 titled as Prateek Nepalia Vs. State of Haryana	Dismissed by HMJ Anil Kshetarpal on 25/09/2020	Pre arrest Bail

From the affidavit, it is apparent that in some cases, the matter is under investigation whereas in some cases, the police has already submitted the final report before the Court of competent jurisdiction.

Keeping in view the aforesaid facts, this Court is not inclined to issue the writs as prayed for.

Hence, disposed of.

02.03.2021

ashok

Whether speaking/reasoned:

Whether reportable:

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No