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

\+ W.P.(CRL) 2184/2023 & CRL.M.A. 20406/2023

P.P. RAVEENDRAN ..... Petitioner

Through: Mr.C.M.Grover, Ms.Payal, Advs.

versus

STATE OF NCT OF DELHI AND ORS ..... Respondent

Through: Mr.Sanjeev Bhandari, ASC (Crl.) with Ms.Anvita Bhandari, Mr.Kunal Mittal, Mr.Arijit Sharma, Mr.Vaibhav Vats, Advs. SI Kuldeep. Ms.Sahiba Singh, Adv. for the complainant.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **05.03.2024**

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') read with Article 226 of the Constitution of India, 1950 seeking quashing of FIR No.409/2022 registered with Police Station: Model Town, North-West, Delhi under Sections 406/420/511 of the IPC.

2. The above FIR has been registered on a complaint made, and pursuant to the Order dated 08.04.2022 passed by the learned Metropolitan Magistrate-03, North District, Rohini Courts, Delhi in Complaint Case no.208/2022 titled ***Manish Agarwal v. P.P.Raveendran & Ors***., directing the SHO, Police Station: Model Town, Delhi to initiate the investigation into the

complaint made by the complainant, that is, Sh. Manish Agarwal, by formally registering an FIR.

3. In the complaint, the complainant, in brief, alleges that the complainant was approached by the petitioner herein claiming that he had close connections/contacts and direct links with renowned public servants like some IAS and IRS Officers, Commissioners, Director of Education as also other officers, and offered the complainant for securing admission for his son in a renowned public school. He asked for a donation of Rs.12 lacs apart from other expenses in advance. The complainant further stated that as the complainant was not willing to part with the said money in advance, the petitioner advised him to give him a blank post-dated cheque as a security. The complainant further alleges that based on the above assurances and representations, the complainant handed over a cheque drawn on HDFC Bank, Gujranwala Town Part-I, Ring Road, Delhi- 110009 as a security. The complainant alleges that the Petitioner could not secure the admission of his son in the said school. When the complainant asked for the return of his cheque, the petitioner made excuses for the non-return of the same. It is stated that the petitioner thereafter, presented the said cheque at Chennai and then started threatening the complainant that he shall file a false case against the complainant in case the complainant makes a complaint of the fraudulent acts of the petitioner.

4. The learned counsel for the petitioner submits that the complainant had approached the petitioner in the month of June

2021 seeking financial help of Rs.12 lacs to pay as a debt. He submits that based on the assurances, the amount was given to the complainant with a promise that the same shall be returned after six months. He submits that in the discharge of the said liability, the complainant had also issued the subject cheque to the petitioner. He submits that the complainant also filed a complaint before the Police Station: Bharat Nagar, Delhi making similar allegations, however, on the said complaint, an FIR was not registered. He submits that FIR was not registered even at the Police Station: Model Town, Delhi, where the complainant later approached. He submits that the complainant also filed a Civil Suit seeking an injunction against the petitioner from presenting the said cheque for encashment, however, the same was later withdrawn by the complainant. The learned counsel for the petitioner submits that in the above manner, a civil dispute is being given colour of a criminal offence and the complaint filed by the complainant is totally *malafide*.

5. I do not find any merit in the above contentions raised by the learned counsel for the petitioner.

6. The learned counsel for the respondent no.3, as has been recorded in a separate Order passed today in Bail Appln. no.816/2023, which again arose out of the subject FIR, has submitted that the petitioner has adopted similar *Modus Operandi* to obtain cheques from various other persons as well; and similar complaints have also been made by others against the petitioner. She submits that the petitioner has also been filing complaints under Section 138 of

the Negotiable Instruments Act, 1881 (in short, 'NI Act') against such persons, misusing the cheques that were obtained by him fraudulently.

7. In any case, these would be matters which would have to be left to be determined after the investigation. At the present stage, *prima facie*, it cannot be said that the allegations made in the complaint do not constitute a criminal offence or are so frivolous or that the continuation of the proceedings/investigation on the same would, in fact, be a misuse of the process of law. The case of the petitioner does not fall within the exceptions, as have been carved out by the Supreme Court in ***State of Haryana & Ors. v. Bhajan Lal & Ors.*** 1992 Supp (1) SCC 335 and recently in ***Parbatbhai Aahir @ Parbatbhai Bhimsinbhai Karmur & Ors. v. State of Gujarat & Ors.*** (2017) 9 SCC 641.

8. I find no merit in the present petition. The same is, accordingly, dismissed. The pending application is also disposed of.

NAVIN CHAWLA, J

MARCH 5, 2024
RN/AS

Click here to check corrigendum, if any