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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 1621/2013

PRAMOD GOIL

.....Petitioner

Through: Mr. Gurpreet Singh, Adv.

versus

STATE GOVT. OF NCT OF DELHI

& ANR.

.....Respondents

Through: Mr. Sunil Kumar Gautam,
APP for the State with SI
Mukesh Chauhan, PS
EOW.

Ms. Aakriti Dawar, Adv.
for R-2 (through VC).

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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20.09.2024

CRL.M.A. 3374/2016 & CRL.M.A. 34363/2019

1. The application, being, CRL.M.A. 3374/2016, is filed on behalf of Respondent No.2 seeking directions to the Registry of this Court to not release the title documents submitted in the present case in favour of the petitioner. It is prayed that the said title documents be released to Respondent No.2, who shall further deposit the same before the learned Company Law Board, New Delhi where the company petitions are pending adjudication.

2. The application, being, CRL.M.A. 34363/2019, is filed on behalf of the petitioner seeking directions to the Registry of this Court to release the title documents to the petitioner.

3. This Court, by order dated 24.02.2016, had issued notice in CRL.M.A. 3374/2016 and directed the Registry to not release the title documents submitted in the present case.

4. The present petition was originally filed for quashing of

CRL.M.C. 1621/2013

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the impugned order whereby the bail granted to the petitioner had been cancelled by the learned Additional Sessions Judge, Patiala House Courts, New Delhi in FIR No.268/2009, registered at PS EOW. It was noted that the bail had been granted to the petitioner by the learned Trial Court as the parties were negotiating a settlement wherein the petitioner had agreed to part with 50% of the vacant land at Bikuha District Hapur, Ghaziabad (hereafter '**subject property**'). The bail was cancelled by the impugned order as the petitioner had failed to comply with his undertaking.

5. On the very first day of hearing before this Court, that is, on 25.04.2013, the learned counsel for the petitioner made a submission that the petitioner was willing to settle the dispute and that he was also willing to deposit the title deeds of the subject property to show his *bona fides*. Pursuant to the same, this Court had directed the petitioner to deposit the title deed with the Registry and stayed the operation of the impugned order cancelling bail.

6. This Court, by order dated 09.02.2016, had allowed the present petition and granted bail to the petitioner. The learned counsel for the complainant had submitted that the subject property was mortgaged and there was a restraint order against selling the said property and the petitioner was willing to transfer 50% of the land when the subject property was released. One of the conditions imposed was that the petitioner shall not dispose of the Company's property without permission of the Court if the said property is released from attachment. The petitioner was also directed to deposit ₹50 lakhs before the learned Trial Court by way of Demand Draft.

7. The learned counsel for the petitioner submits that the petitioner failed to deposit the amount of ₹50 lakhs and he



surrendered before the learned Trial Court.

8. He submits that the petitioner was subsequently granted bail by this Court by order dated 22.10.2018, in BAIL APPLN. 1183/2018. He submits that the bail was granted to the petitioner on the condition that his wife shall deposit the original title deeds of another property before the learned Trial Court and she would not sell, transfer or alienate the same during pendency of the FIR.

9. He submits that once bail has been granted to the petitioner on the strength of another property as surety, the title deeds of the subject property ought to be released to him. He submits that the subject property is owned by two companies, namely, Shree Bihari Forgings Pvt. Ltd. and BSL Buidcon Pvt. Ltd., where the petitioner and his family are the majority shareholder.

10. He submits that the title deeds were only deposited by the petitioner to show his *bona fides*, however, the parties admittedly never reached a settlement and the said property has nothing to do with the dispute.

11. On the other hand, the learned counsel for the complainant has vehemently argued that the complainant is also a shareholder in the companies.

12. She submits that the petitioner had secured the title deeds of the subject property in connivance with his sons and associates on the basis of forged Board Resolution. She submits that a complaint was filed in this regard as well.

13. She states that the concerned property is subject to litigation and Respondent No.2 apprehends that the petitioner will create an encumbrance against the property if the title deeds are released to him. She states that the petitioner is not the owner of the subject property.

14. She submits that the son of the petitioner had undertaken



on his behalf on 21.12.2015 before the learned Administrator that the petitioner shall not claim the property documents from the Registrar of the Delhi High Court.

15. I have heard the learned counsel and perused the record.

16. It is seen that the applications have been pending for over half a decade.

17. The short question before this Court at this stage is about the release of the title deeds that were submitted by the petitioner before the Registry pursuant to order dated 25.04.2013.

18. A bare perusal of the FIR shows that the same was registered in relation to the mismanagement of affairs of Shree Bihari Forgings Pvt. Ltd. by the petitioner, who was one of the Directors at that time. It was alleged that the petitioner in connivance of his associates had taken loan in the name of the company by listing the complainant as a guarantor/ applicant on the strength of forged and fabricated documents.

19. Thus, clearly, the present FIR was not in relation to the subject property. As noted above, the said property was introduced into the mix due to the parties having arrived at a settlement initially that the petitioner will part with 50% of the subject property.

20. While it is argued that the property documents had been taken by the petitioner on the basis of forged Board Resolution, a complaint in this regard has been made.

21. It is no more *res integra* that criminal proceedings cannot be misused and given the shape of recovery proceedings.

22. This Court cannot widen the ambit of the present applications to such an extent so as to adjudicate the merits of any claims in relation to entitlement of the subject property, especially when the same are not even the basis of the dispute of



the present FIR.

23. Concededly the documents were submitted before this Court in order to see the *bona fide* of the petitioner. The impugned order was set aside by imposing certain conditions. The petitioner had thereafter surrendered as he had failed to comply with the imposed conditions and he was subsequently granted bail by this Court by order dated 22.10.2018, in BAIL APPLN. 1183/2018.

24. This Court while granting bail had imposed adequate conditions as deemed necessary to secure the presence of the petitioner. No conditions were imposed in relation to the concerned property documents.

25. Insofar as any apprehension of the petitioner fleeing with the title deeds is concerned, one of the conditions imposed by this Court while granting bail was that the petitioner will not sell, alienate, transfer or encumber any assets of the company which are in his power and control. The said condition addresses any such apprehension.

26. In light of the aforesaid discussion, in the opinion of this Court, the title deeds deposited by the petitioner cannot be withheld when no such condition was imposed by this Court while granting bail by order dated 22.10.2018.

27. It is made clear that this Court has not made any observations on the merits of any claim in relation to the subject property and the present order is only in regard to entitlement of the petitioner to get the documents released.

28. Needless to say, once the documents are released, Respondent No.2 will be at liberty to move an application before the appropriate authority seeking deposit of the title deeds by the petitioner if necessary.



29. The application, that is, CRL.M.A. 34363/2019 is allowed and the application, that is, CRL.M.A. 3374/2016 is dismissed in the aforesaid terms.

AMIT MAHAJAN, J

SEPTEMBER 20, 2024