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

+ **W.P.(CRL) 3102/2024 & CRL.M.A. 29976/2024**

SHRI GOVIND SINGH

.....Petitioner

Through: Mr. Brijesh Panchal, Advocate *via*
video-conferencing.

versus

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

Through: Mr. Amol Sinha, ASC for the State
with Mr. Kshitiz Garg, Mr. Ashvini
Kumar, Advocate and SI Seema Devi,
P.S.: EOW.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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04.10.2024

CRL.M.A. 29977/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

W.P.(CRL) 3102/2024

By way of the present petition filed under Article 226 of the Constitution of India read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks quashing of case FIR No.34/2024 dated 06.04.2024 registered under sections 406/409/420/120-B of the Indian Penal Code, 1860 at P.S.: Economic Offences Wing, on merits.



2. Mr. Brijesh Panchal, learned counsel appearing for the petitioner submits, that as will be seen from a perusal of the FIR, the allegation against the petitioner is, that acting as the Sole Proprietor of one M/s Tirupati Trading Company, he has cheated and committed other offences *vis-a-vis* the complainant, who is arrayed as respondent No.2 in the present petition.
3. To make good his submission that the allegation against the petitioner arises from his *alleged* position as sole proprietor of M/s Tirupati Trading Company, counsel draws attention to the following portion of the subject FIR :

“Sir this application regarding fraud had occurred on 24th December 2023 By Tirupati Trading Company-Name-Govind Singh S/O-Bhoma Ram (Permanent Address situated- Rajasthan-230, Purohito kaa waas

“I Mohd. Mujahid writing my written complaint regarding non payment of worth rupees 12,39,630 (Fraud done by Tirupati Trading Company) (TTC)- situated at 11797/1 Sat Nagar, Street No-6- Karol Bagh-New Delhi-110005, (LOCAL OFFICE ADDRESS).

“This company prime objective and business to provide Clients to all shopkeeper who running their business in tank road market. Doing this, he is charging some commission for the same. Starting scenario looks almost clear,because he paid all amount in cash against all goods he received.

“But in the month of November he made a huge amount of fraud to almost all shopkeepers in tank road market, and run away from the market and switched off their mobile (7874216979 & 9257680676) He is not too old in tank road market, he is running his business in market Since last 6 months.”

4. Counsel submits however, that the petitioner is not the sole proprietor of M/s Tirupati Trading Company; that the petitioner did not receive



any money from the complainant, as alleged; and there is no evidence on record to show otherwise.

5. Mr. Amol Sinha, learned ASC is present on behalf of respondent No.1/State on advance copy; and submits that investigation in the matter is going-on and is at a very preliminary stage. Learned ASC further submits, that they had issued a notice to the petitioner under section 41-A of the Code of Criminal Procedure 1973, calling the petitioner to participate in the investigation, but since he did not respond to that notice, they have now been constrained to have Non-bailable Warrants issued against him by the court *vide* order dated 24.09.2024.
6. On a plain perusal of the contents of the complaint, which forms part of the subject FIR, in the opinion of this court, the commission of cognizable offences is clearly disclosed. Registration of the subject FIR by the police based on that complaint cannot therefore be faulted.
7. Even otherwise, learned counsel appearing for the petitioner has not been able to make-out any ground from those enunciated by the Supreme Court in ***State of Haryana & Ors. vs. Bhajan Lal & Ors.***,¹ to justify the quashing of the subject FIR.
8. In the circumstances, this court is not persuaded to issue notice on the present petition, which is accordingly dismissed *in-limine*.
9. Needless to add, the petitioner shall be at liberty to invoke all other remedies, as may be available to him, in accordance with law in relation to the investigation that is going-on against him, and in the

¹ 1992 Supp (1) SCC 335



case subsequently; and this court has not expressed any opinion on the merits of the matter.

10. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 4, 2024/ds