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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(CRL) 3282/2018, CRL.M.A. 35000/2018 (stay)

M/S SPLENDOR LANDBASE LTD. & ANR.Petitioners

Through: Mr. Amit Khanna, Mr. Mohit Singh
and Mr. Pushkar Katyal, Advocates.

versus

STATE & ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
the State with Mr. Abhinav Kumar
and Mr. Aryan Sachdeva, Advocates
with Inspector Sanjay Kumar Meena,
PS NIA, Delhi with SI Nirnajan
Kumar, PS EOW.

Ms. Taniya Bali and Ms. Deeksha
Sood, Advocates for R2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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06.05.2025

W.P.(CRL) 3282/2018

1. Petition under Article 226 of the Constitution of India, 1950 read with Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C.') has been filed on behalf of the Petitioners to set-aside the Order dated 23.10.2018 vide which learned ASJ, Patiala House Courts, Delhi, has upheld the Order dated 24.07.2018 of the learned Metropolitan Magistrate, directing the registration of FIR No. 1013/2018 under Section 406/460/120-B of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') registered at Police Station Panipat, Haryana.

2. It is submitted in the Petition that the Petitioner No. 1 is the owner



and in possession of land admeasuring 16.31 Acres at Sector-19, Near Ansal Colony, Panipat, Haryana. The Petitioner No. 1 is developing a Group Housing Colony in the name of 'Splendor Grande' on the aforesaid land. In the first quarter of 2016, the Respondent No. 2/M/s Ambient Land Holdings Ltd. through its Managing Director, Mr. Anil Vaid approached the Petitioner No. 1 and expressed interest and desire in the Development of Low Rise Towers (T1-T6) of the said Project and requested for grant of Development, Marketing and Selling Rights of saleable Units in the said Towers. A Preliminary Term Sheet dated 19.05.2016 was executed between the Petitioner No. 1 and the Respondent No. 2 recording the broad terms of understanding between the parties.

3. After execution of the said Term Sheet, some aspects of the Undertaking were amended and the parties entered into Development Management Agreement on 02.08.2016 in which the Respondent No. 2 was appointed as Development Manager for the development of 1st Phase of the Project. The Respondent was also granted rights to market and sell the Units in Low Rise Towers, on the terms and conditions that were mutually agreed.

4. The Respondent No. 2 was informed that the Petitioner No. 1 had taken provisional Booking of 26 Units from Intending Allottees/Applicants in the Towers of the said Project against which some advances had been received from the said Buyers and the advances were to be deducted or adjusted from instalment of Rs.601.11 Lacs for the month of July, 2017, payable by the Respondent No. 2 as agreed under the Schedule-3 of the Agreement.

5. The Respondent No. 2 raised certain trivial issues vide its Letter dated 07.11.2016, which was duly replied by the Petitioner No. 1 vide Reply dated



11.01.2017 highlighting various defaults on the part of the Respondent No. 2 in complying and fulfilling the terms of the Agreement.

6. The Respondent No. 2 then filed a Complaint dated 16.01.2017 against Petitioner No. 1 and its officials before the Police Station, Panipat, Haryana for registration of FIR.

7. Simultaneously, on 16.01.2017, similar Complaint was lodged by the Respondent No. 2 before the EOW, New Delhi for registration of FIR. Petitioner No. 1 issued Notice dated 04.02.2017 to the Respondent No. 2, terminating the Agreement with immediate effect and also informed the Respondent No. 2 that the same had not come into force on account of the Respondent's failure to get the Agreement registered and stamped as per law.

8. After a detailed enquiry and investigations carried out by the Police, the Complaint was found to be of civil nature and disputes involved money dealings. The Complaint was, therefore, dismissed by the Police vide Office Order dated 15.02.2017, which Order was never challenged by the Respondent No. 2, before any Court of Law.

9. After registration of Complaint with the EOW, Delhi Police, neither Respondent No. 2 substantiated its allegations with any documentary evidence nor co-operated in the investigation; instead filed a Complaint being CC No. 1689/2017 under Section 200 Cr.P.C. along with the Application under Section 156(3) Cr.P.C., before the learned Metropolitan Magistrate for registration of FIR.

10. The Respondent No. 2 also filed a Petition bearing OMP (I) (COMM) 441/2017 under Section 9 of the Arbitration and Conciliation Act, 1996 before this Court, seeking certain Interim Reliefs, which were not granted by



the Court but with the consent of the parties, learned Arbitrator was appointed to adjudicate the disputes. Despite the appointment of the Arbitrator, the Respondent No. 2 did not approach the learned Sole Arbitrator to file the Claim. The Petitioner No. 1 approached the learned Arbitrator to pass the necessary directions after which the Respondent No. 2 has filed its Statement of Claim and Petitioner No. 1 has filed the Counter-claim.

11. FIR No. 1013/2018 dated 20.07.2018 under Section 406/420/120-B of the IPC was registered by the Respondent No. 2 against the Petitioners in Panipat, Haryana on the same Complaint which had been filed before the learned CMM, Patiala House Courts, Delhi.

12. Learned Metropolitan Magistrate allowed the Application of the Respondent No. 2 under Section 156(3) of Cr.P.C. and directed registration of FIR.

13. Learned ASJ in Revision Petition bearing No. 264/18 upheld this Order vide Judgement dated 23.10.2018.

14. The impugned Order of learned ASJ, has been challenged on the ground that on identical Complaint, two FIRs in different jurisdiction, cannot be directed to be registered. Moreover, the disputes agitated in the Complaint, are essentially civil in nature. Furthermore, the Final Report has already been filed before the Court in Panipat. It is submitted that the impugned Order is, therefore, liable to be set-aside.

15. Learned Counsel for the Respondent No. 2 submits that there is no bar in registration of multiple FIRs in different jurisdiction under the law. Reliance has been placed on Upkar Singh vs. Ved Prakash & Ors., AIR 2004 SC 4320. It is further contended that the Petitioners in connivance with



the Panipat Police, have got an FIR registered against themselves after one year of making of the Complaint. It is further submitted that the Closer Report has been wrongly filed. It is further submitted that the Closer Report has also been manipulated by the Petitioners, about which no Notice has been given to the Respondent No. 2. Also, they were not asked to join the investigations by the Panipat Police. It is, therefore, submitted that there is no bar to the registration of second FIR on the same averments and the present Petition is without any merits.

16. Submissions heard and the record perused.

17. From the facts as narrated above, it is evident that there was a Business Agreement entered into between the Petitioners and the Respondent No. 2, which for commercial reasons suffered from non-compliances resulting in disputes inter se the parties for which Arbitration proceedings had also been initiated.

18. Essentially, all the averments made in the Complaint revolves around the civil disputes and there is no element of cheating prima facie made out from the averments made in the Complaint.

19. Furthermore, on the same Complaint, no two FIRs can be directed to be registered. The Police machinery has already investigated all the Complaints of the Respondent No. 2 after registration of FIR No. 1013/2018 under Section 406/460/120-B IPC registered at Police Station Panipat, Haryana. Though, the Respondent No. 2 is aggrieved by the Closure Report but the remedy does not lie by getting second FIR registered but by contesting the Closure Report.

20. In view of the aforesaid, FIR has already been registered on the Complaint of the Respondent No. 2 and investigations concluded in the FIR



registered at Panipat. The impugned Order dated 23.10.2018 of learned ASJ suffers from grave infirmity, which is hereby set-aside.

21. The Petition is disposed of accordingly. Pending Application also stands disposed of.

NEENA BANSAL KRISHNA, J

MAY 6, 2025/RS