IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-\_\_\_\_\_\_\_ of 2017

Shiksha Thakran ------ Petitioner

VERSUS

State of Haryana and others ------ Respondents

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CHANDIGARH (SURESH AHLAWAT)

DATED: 12.09.2017 ADVOCATE

COUNSEL FOR THE PETITIONER

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COURT FEE:

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DATED: 12.09.2017 ADVOCATE

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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-\_\_\_\_\_\_\_ of 2017

Shiksha Thakran aged about 28 years wife of Sh. Jitender Thakran, Resident of VPO Jharsa Patti, Pachaya Gurgaon, Haryana.

------ Petitioner

VERSUS

1. State of Haryana

2. Commissioner of Police Gurgaon, District Gurgaon.

3. S.H.O. Police Station, Sector 40, Gurgaon, District Gurgaon.

------ Respondents

CHANDIGARH (SURESH AHLAWAT)

DATED: 12.09.2017 ADVOCATE

COUNSEL FOR THE PETITIONER

Petition under section 482 Cr.P.C. for directing the respondents to take further necessary action in FIR 318 dated 03.09.2016, under sections 03, 32, 14 of “The Protection of Interests of Depositors (Financial Establish), Act, 2014” and Section 420 IPC, registered at Police Station Sector 40, District Gurgaon (Annexure P-2) to take the case at its logical end.

RESPECTFULLY SHOWETH:

1. That the petitioner is resident of Distt. Gurgaon in the State of Haryana and thus being citizen of India is competent to invoke the extra ordinary jurisdiction of this Hon’ble High Court.
2. That the accused persons who are directors of UNIFD C/o Unitech Limited Regd. and Office of this company is situated at Unitech House, L Block, South City-I, Gurugram-122001 (Haryana). The said company launched a scheme while advertising that they would pay a much higher rate of interest than any other financial institution or company, in case anyone deposits an amount by way of fixed deposit (FDR).
3. That petitioner who is a simpleton lady and resides at village Jhardsa in Gurugram, believing the advertisements published in various local newspapers and considering the good name of Unitech Company in the vicinity, deposited an amount of Rs. 10,00,000/- on 07.02.2013, Rs. 9,00,000/- on 02.05.2013 and Rs. 10,00,000/- on 02.05.2013 in the same of FDRs with the accused persons.

It is relevant to mention here that at the time of depositing the above said amount the petitioner was issued an account no. 1237311 by the accused persons who are directors of the Unitech Company. It was also assured by them to the petitioner that she will be entitled for an interest @ 12.50% per annum on the above said fixed deposits made by the petitioner. These FDRs were for a period of three years i.e. the FDR’s had matured in the year 2016.

1. That it is still further relevant to mention here that the land of the petitioner was purchased by the Unitech Company and at that time the accused persons had told the petitioner that their company is also involved in the business of finance and they have a valid and legal license for the same and they assured that the company provides interest at a higher rate than the other such financial institutions and companies. The petitioner was told and assured that if she deposits the amount from the sale consideration with the company in the shape of FDR’s then she will be given interest @ 12.5% per annum.
2. That the petitioner on the assurance of the accused persons deposited the above said amount total of Rs. 29 lakhs with the Unitech Company situated at Gurugram. Moreover, the other family members of the petitioner had also likewise deposited Rs. 87 lakhs with this company.
3. That the maturity period of the said FDR’s of the petitioner was for three years and all the three FDR’s of the petitioner had attained maturity in the year 2016 and when the petitioner alongwith her husband went to the office of the accused persons for getting the amount of maturity of the FDR’s, then the accused persons, instead of returning their money alongwith assured interest, threatened the petitioners and her husband with dire consequences and even they were illegally detained in the office of the accused persons. Thereafter, tactfully they escaped from that office and made a representation to the respondents with the above said averments and depicted their miserable plight. The copy of the representation dated ------- is annexed herewith as Annexure P-1.
4. That thereafter, when no action was taken then the petitioner was compelled to lodged an FIR 318 dated 03.09.2016, under sections 03, 32, 14 of “The Protection of Interests of Depositors (Financial Establish), Act, 2014” and Section 420 IPC, registered at Police Station Sector 40, District Gurgaon against the accused persons which is annexed herewith as Annexure P-2.
5. That it is very unfortunate as the FIR was got registered on 03.09.2016, but till date no action has been taken against by the respondents subsequent to the registration of the FIR. The petitioner went to the police of P.S.------------ many times just to no about the development in the matter but the police officers/officials instead of telling about the progress of the case rebuked the petitioner and she was even humiliated at the hands of the local police.
6. That it appears that the police has kept the FIR in question in the list/bundle of the dormant cases/files and intentionally the police is not taking any required action in the FIR in question, due to the reason that the accused are affluent and influential persons working with well-known and mighty unitech company.
7. That the petitioner has not filed any such or similar petition either in this Hon’ble High Court or in the Hon’ble Supreme Court of India.

It is therefore, respectfully prayed that the present petition may kindly be allowed and the FIR 318 dated 03.09.2016, under sections 03, 32, 14 of “The Protection of Interests of Depositors (Financial Establish), Act, 2014” and Section 420 IPC, registered at Police Station Sector 40, District Gurgaon (Annexure P-2) to take the case at its logical end may kindly be taken legal action against the accused persons, in the interest of justice.

It is therefore respectfully prayed that the petitioner may kindly be exempted from filing the certified/true typed copies of annexures, in the interest of justice.

CHANDIGARH (SURESH AHLAWAT)

DATED: 12.09.2017 ADVOCATE

COUNSEL FOR THE PETITIONER

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-\_\_\_\_\_\_\_ of 2017

Shiksha Thakran ------ Petitioner

VERSUS

State of Haryana and others ------ Respondents

Affidavit of Shiksha Thakran aged about 28 years wife of Sh. Jitender Thakran, Resident of VPO Jharsa Patti, Pachaya Gurgaon, Haryana.

I the above named deponent do hereby solemnly affirm and declare as under:

1. That the deponent is filing the accompanying petition which has been drafted by the counsel on the instructions of the deponent.

2. That the contents of paras of the petition have been read over to the deponent, which are true and correct to the knowledge of the deponent. No part of it is false and nothing has been concealed therein.

3. That the deponent has not filed any such or similar petition either in this Hon’ble Court or in the Hon’ble Supreme Court of India.

CHANDIGARH

DATED: 12.09.2017 DEPONENT

Verification:

Verified that the contents of my above said affidavit as contained in Paras are true and correct to my knowledge and belief. No part of it is false and nothing has been concealed there from.

CHANDIGARH

DATED: 12.09.2017 DEPONENT

Annexure P-2

FIRST INFORMATION REPORT

(UNDER SECTION 154 CR.P.C.)

1. District: GURGAON P.S.: SECTOR 40 Year: 2016

FIR No. 0318 Date 03.09.2016

2. Sr. No. Act(s) Section(s):

1. The protection of interest 03

of deposits (Financial

Establish), Act, 2014.

2. The protection of interest 32

of deposits (Financial

Establish), Act, 2014.

3. The protection of interest 14

of deposits (Financial

Establish), Act, 2014.

4. IPC 1860 420

3. (a) Occurrence of Offence:

(1) Day: Intervening Days Date From: Date to:

07.02.2013 15.06.2016

Time Period: Time From: Time to:

10.00 hrs. 10.00 hrs.

(2) Day: Intervening Days Date From: Date to:

07.02.2013 15.06.2016

(b) Information received at P.S. Date: Time:

03.09.2016 22:46 hrs.

(c) General Diary Reference Entry No. Time

008 03.09.2016

22:46hrs.

4. Type of Information: WRITTEN

5. Place of Occurrence:

(1) (a) Direction and Distance from P.S. North/1.km. Beat No.

(b) Address: Unitech SoutH City GGN

© In Case: Outside line limit of police station:

Name of P.S.: District.

(2) (a) Direction and distance from P.S.. (East, 1 Km(s) Beat No.

(b) ADDRESS : UNITECH SOUTH CITY GGN.

© In Case: Outside line limit of police station:

Name of P.S.: District.

6. Complainant / Informant:

(a) Name : SMT. SHIKSHA THAKRAN

(b) Father’s/Husband’s Name :

(c) Birth Year: Nationality : INDIA

7 to 11 XXXXXXXXXXX

12. First Information Contents

The Commissioner of Police Gurgaon, 2. Incharge Economic Offence Wing Palam Vihar Gurgaon, Sub: Complaint against Mr. Ramesh Chandra, Executive Chairman, Mr. Sanjay Chandra, Managing Director, Mr. Ajay Chandra, Managing Director, Mr. Ravinder Singhaniya Director, Ms. Minoti Bahri, Director Mr. GR Ambwani Director, Mr. Anil Harish Director, Mr. Sanjay Bahadur Director Dr. P.K. Mohanty, Director of M/s UNIFED C/o Unitech Limited Regd. Office at Unitech House, L Block South City-I Gurgaon 122001 Haryana. Sir, the complaint submits as under:- 1. That the complainant is law abiding citizen of his country and she is presently residing in VPO Jharsa Gurgaon, 2. That the accused person had lodged a scheme in year 2013, wherein they advertise that in case any person deposits an amount by way of fixed deposit in their company then he/she would be paid a rate of interest much beyond the other financial institutions, 3. That the complainant, who is simpleton lady got the amount invested with the accused company and she accordingly got the fixed deposit for the amount of Rs. 10,00,000/- Rs. 9,00,000/- and Rs. 10,00,000/- on date 07.02.2013, 02.05.2013 and 02.05.2013 respectively and it was assured to the complainant that the amount which is being deposited by her by way of fixed deposit would carry on interest 12.50% , 4. That the complainant was issued an account no. 1237311 by the accused company and she was also given the companies of the FDRs and it was assured to her that the said amount alongwith interest @ 12.5% per annum would be paid to her on the maturity. That the said FDR’s were for the period of 3 years and the accused company as well as its director has assured her that in case she requires the money in between then she could get the said FDR broken and she will earn the interest till the time the amount is lying with the accused company. 5. That the complainant has recently suffered a peralatic attack and it also the patient of seizures and she alongwith her husband visited the office of the accused person in Gurgaon and asked him to reimburse the amount as the said FDR’s are matured and she is legally entitled to get back her amount alongwith the interest but she was threatened by the accused persons that in case she/he asked for the refund of the amount then she would have to face dire consequences. 6. That the accused persons have refused to pay back the amount of the complainant which she is legally entitled and in fact the complainant alongwith her husband were kept in illegal custody in the office of accused person, when they demanded the amount and they were threatened with the dire consequences, 7. That the accused have cheated the complainant for valuable consideration and have also breached her trust by not handed over back the money which she has invested with the accused person and infact the accused person have caused the wrongful loss to the complainant and her husband with dire consequences in case they asked for the refund of the amount. That the life and property of the complainant and her husband in under threat from the hands of the accused persons, who were involved in day to day functioning of the above mentioned company and they are liable for all the facts and conducts of the said company. It is therefore, requested that the present complaint may kindly be entertained and accused persons may kindly be punished and booked as per the provisions of law and the money deposited by the complainant may kindly be recovered with interest from the custody of the accused above. Sd/- RTI Shiksha Thakran W/o Sh. Jitender R/o VPO Jharsa Patti Pachaya Gurgaon, Haryana.

13 to 15 XXXXXXXXXXX

True Relevant Extract Translation Copy

Advocate