

# C P Systems Pvt Ltd And Ors vs State ( Govt Nct Of Delhi) And Ors on 21 December, 2020

**Author: Yogesh Khanna**

**Bench: Yogesh Khanna**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(CRL) 2149/2020

C P SYSTEMS PVT LTD AND ORS

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Through : Mr.Marroof Ahmad, Advocate

versus

STATE ( GOVT NCT OF DELHI) AND ORS

..

Through : Mr. Sanjay Lao, ASC fo

SI Manish Chauhan, P

Street.

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HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% 21.12.2020

1. The hearing has been conducted through Video Conferencing.

2. Exemption allowed, subject to all just exceptions.

3. The application stands disposed of.

W.P.(CRL) 2149/2020 and CRL.M.A. 17723/2020

4. The petitioners have filed this writ petition with the following reliefs:-

"a) Pass appropriate writ(s)/order(s)/direction(s) particularly in the nature of Mandamus whereby directing the Respondent No.1-2 to add/mention Sections 307/306/383/387/420/1208 of IPC to FIR No.0079 dated 08.07.2020 under Sections 347/406/506//34 of IPC, Police Station : Parliament Street (District : New Delhi) against the Respondents No. 3 to 6 and their accomplices and with further order(s)/direction(s) to investigate all the offences after addition/mention under Sections 307/306/383/387/ 420/1208 of IPC as disclosed in the Complaint dated 17.11.2019 followed by Representation dated 14.07.2020, to the instant FIR against the Respondents No.3 to 6 and their accomplices and with further order(s)/direction(s) to the Respondents No. 1 - 2 to take appropriate legal actions

against the Respondents No. 3 to 6 and their accomplices;

b) Pass further writ(s), order(s)/direction(s) whereby quashing of proceedings of the Criminal Complaint being CC No.39498 of 2019, under Section 138 & 141 read with Section 142 of the Negotiable Instruments Act, 1881 titled as Herman Singh Duggal Vs. C.P. Systems Pvt. Ltd. & Ors., pending before Sh.Pranat Kumar Joshi, Ld. Metropolitan Magistrate (NI Act)-06, Dwarka Courts, Delhi, filed by the Respondent No. 4 through his SPA holder against the Petitioners;

5. As far as prayer (a) is concerned, the grievance of the petitioners is despite there being an order dated 09.07.2020 passed by this Court in W.P.(Crl) No.844/2020 wherein the petitioners were asked to make a representation to the SHO, police station Parliament Street, New Delhi in case FIR No.77/2020 registered under Section 347/406/506/34 IPC, nothing has been done.

6. The learned ASC is present and submits they have already registered the above FIR and the investigation is under progress and in future if any further evidence is collected, other sections shall be added in due course.

7. As far as prayer (b) is concerned, the learned counsel for petitioners submits CC No.39498/2019 be also quashed as aforesaid FIR has already been registered. The case of the petitioners is he has the business dealings with the respondents No.4 to 6 wherein the respondents were required to invest a sum of Rs.25.00 Crores for the purchase of 47% share of the company namely C.P. Systems Pvt Limited. It is submitted the MoU dated 24.02.2018 was signed between the parties, but the respondents did not adhere to the terms and conditions of MoU and only a sum of Rs.6.92 Crores was paid leading to the loss to the petitioners herein. Later on the respondents called the petitioner in their office and while threatening him had made him sign some blank cheques and MoU dated 07.04.2018. These cheques were presented and were dishonoured and the cases under Section 138 NI Act were filed.

8. The learned counsel for the petitioners submit despite his complaint that his signatures were forcibly taken on MoU dated 07.04.2018 and also on the blank cheques, and also that the FIR having been registered, the learned Magistrate ought not to have proceeded in the complaint cases and thus has wrongly issued the summons vide orders dated 27.08.2020 and 10.11.2020.

9. The complaint cases filed by the respondents herein under Section 138/142 NI Act have a separate cause of action viz issuance of cheques against consideration, dishonour of the cheques, and non-payment by the petitioners despite issuance of the notice under the provisions of the NI Act. Simply, because of the registration of the FIR on the allegations of the petitioners, it would not lead to automatic dismissal of the complaint cases filed by the respondents as the allegations set forth in the FIR as also in the complaint cases would require evidence. Hence, there is no cause to continue with the writ petition.

10. Accordingly, the writ petition is dismissed. Pending application, if any, also stands dismissed.

YOGESH KHANNA, J.

DECEMBER 21, 2020 M