

IN THE COURT OF SH. SATVIR SINGH LAMBA, CMM,
NORTH DISTRICT, ROHINI COURT, DELHI

Ct. Cases 156/2022
Kuldeep Mann Vs. Ms. Himangini Singh & Ors.

28.02.2022

Pr: Ld. Counsel for the complainant

File perused.

Arguments already heard. No clarifications are required.

Vide this application, I shall dispose off an application u/s 156 (3) Cr.PC filed on behalf of the complainant.

Case of the complainant is that proposed accused persons represented to the complainant that they are having Iron Ore to sell, so the complainant placed order for its purchase and made advance payment to the tune of Rs.4,30,82,813/-. It is alleged by the complainant that the accused persons had deliberately and knowingly without having the capacity to supply Iron Ore had deceived and induced the complainant fraudulently with dishonest intention and had not supplied the material and committed the offence of cheating and criminal breach of trust, due to which he had suffered a loss of Rs.4,77,75,000/-.

Status report on behalf of PS Economic Offence Wing is filed stating that the matter appears to be of civil nature as the accused persons have supplied the part material and refunded the remaining amount. It is well as settled that mere repayment of amount, after the commission of act, cannot exempt the accused persons from criminal proceedings. After meticulous examination of the case file, I am of the opinion that on the basis of present complaint, prima facie commission of cognizable offence is

made out against the proposed accused persons and needs thorough investigation to elicit the truth. Accordingly, the Incharge of PS Economic Offence Wing is hereby directed to register an FIR under the relevant provisions of law, within one day upon receiving the copy of order and to investigate the matter accordingly, as per law. Further the veracity of allegations made by the complainant can only be ascertained by way of fair, proper and impartial investigation by the police officials, which not only saves the valuable time of the court, but also would be instrumental in separating the chaff from the grains.

Put up for filing of report regarding compliance on 05.03.2022.

Copy of the order be sent to the concerned Incharge of PS EOW for compliance.

(SATVIR SINGH LAMBA)
CMM, North District,
Rohini Courts, Delhi/28.02.2022