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

+ W.P.(CRL) 2961/2024, CRL.M.A. 28900-01/2024

PROPHECY ADVISORS PVT. LTD. EARLIER KNOWN AS
RANGOLI PROJECTS PVT. LTD.Petitioner

Through: Mr. Shiv Chopra,
Ms. Aadhyaa Khanna and
Mr. Siddharth Arora, Advocates.

versus

STATE OF GNCT DELHI & ANR.Respondents

Through: Mr. Amol Sinha, ASC for the State
with Mr. Kshitiz Garg, Mr. Ashvini
Kumar and Ms. Chavi Lazarus,
Advocates.

Inspt. Ajay and SI Kuldeep Bhatt, PS
OIA/EOW.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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27.09.2024

CRL.M.A. 28901/2024 EXEMPTION

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 2961/2024

Present petition has been filed for quashing of the charge-sheet in FIR No.270/2016 PS. Okhla Industrial Area, under Sections 420/409/120B IPC pending before the Court of learned Chief Metropolitan Magistrate, South-East, Saket District Court, Delhi.

Learned counsel for the petitioner submits that initially an FIR No.43/2011 was registered on 03.03.2011 under Sections 420/409/120B IPC



at PS. EOW. Learned counsel submits that this FIR is related to projects at Faridabad and Zirakpur, alleging fraudulent misrepresentation by promising plots/units within 8 months or repayment with interest.

Learned counsel submits that in FIR, the investigation qua Sonipat project was also undertaken and the chargesheet was filed. However, learned counsel submits that subsequently the respondent no.2 filed a private criminal complaint under Section 200 of the Cr.P.C. for the Sonipat district and subsequently on 31.03.2016, on the direction of the Court, FIR No.270/2016 under Sections 420/409/120B IPC at PS Okhla Industrial Area was lodged which culminated into the FIR which is sought to be quashed.

Learned counsel submits that allegations regarding Sonipat project had already been investigated and the chargesheet has been filed in FIR No.43/2011. Learned counsel submits that filing of the second charge sheet will amount to prosecuting and punishing twice for the same offence. Learned counsel has placed relied upon judgment of the Supreme Court in ***T.T. Antony vs State of Kerala*** (2001) 6 SCC 181.

Issue notice.

Learned APP for the states has accepted notice. Learned APP seeks time to file the status report showing the reasons for the registration of second FIR.

Issue notice to respondent no.2 through all permissible mode.

List on 28.01.2025.

CRL.M.A. 28900/2024 (stay)

Present application is filed for seeking stay of the proceedings in in FIR No. 270/2016 PS Okhla Industrial Area pending before the Court of learned Chief Metropolitan Magistrate, South-East, Saket Court, Delhi.



Issue notice.

Learned APP for the State has accepted the notice.

Let notice be issued to the respondent no.2 also through all permissible mode.

List on 28.01.2025.

DINESH KUMAR SHARMA, J

SEPTEMBER 27, 2024

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