



**8. Reason for delay in reporting by the complainant informant:****9. Particulars of properties stolen/ involved(attach separate sheet if necessary):**

Sl.	Property Type(Description)	Est Value(Rs.)	Status
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**10. Total value of property stolen:****11. Inquest Report / U.D. Case No., if any:****12. F.I.R Contents(attach separate sheet,if required):**

IN THE COURT OF HON'BLE CHIEF METROPOLITAN MAGISTRATE, (WEST DISTRICT), TIS HAZARI COURT, DELHI CRIMINAL COMPLAINT NO. OF 2014 IN THE MATTER OF: SURRENDER KUMNAR BANGIA ....COMPLAINANT vs. SHUSHANT MUTTREJA & ORS. ...ACCUSED U/S: 420/406/467/ 468/471/120-B/34 IPC PS: JANAKPURI COMPLAINT U/S 200 OF THE CODE OF CRIMINAL PROCEDURE FOR COMMISSION OF OFFENCES PUNISHABLE U/S 420/406/467/468/471/120-B/34 IPC, FOR MAKING FALSE PROMISES, FALSE ADVERTISEMENTS, FORGING DOCUMENTS, BREACH OF TRUST, MISLEADING CUSTOMERS AND CHEATING ON ACCOUNT OF FALSE PROMISE OF SELLING PROPERTY AT COSMIC CORPORATE PARK, SECTOR-154, NOIDA, WITHOUT ANY OWNERSHIP/APPROVALS/ PERMISSION/ NOC FROM THE COMPETENT AUTHORITIES. MOST RESPECTFULLY SHOWETH: 1. That the complainant is peace loving and law abiding citizen of India aged about 63 Yrs. and retired as Asst. General Manager, State Bank of India, Delhi. The complainant is residing at the above mentioned address alongwith his wife. 2 That the accused no.1 Shushant Muttreja (Managing Director), the accused no.2 Vikas Raj (whole time Director), accused no.3 Nishant Muttreja (whole time Director), accused no.4 Ravneet Muttreja (Director), accused no.5 Yogender Nath Virmani (Addl. Director) and accused no.6 Jitender Singh (Marketing Head) are managing the Private Limited company under the name and style of M/ s. Cosmic Structures Ltd. having its registered office at 9th floor, Hotel Le Meridian Commercial Tower, Janpath, New Delhi-110001, with their respective designations as stated hereinabove in the said private limited company. 3. That on 01.10.2013 the complainant received the promotional offer letter from the accused persons regarding booking of virtual space admeasuring super area of 100 Sq. Feet. to be allotted in developing tower known as Cosmic Corporate Park , Secter-154, Plot no. 1, Noida, which was falsely proposed to be developed and constructed by the accused persons and the said offer was also made by the accused persons to the acquaintance of the complainant, namely Sh. Manjeet Singh S/o Sh. Joginder Singh, R/o 225/1, Gali no. 9, Padam Nagar, Delhi. 4. That on 06.10.2013 the accused no.6 alongwith office bearers approached the complainant and fixed up a meeting at Mc Donald's Restaurant District Center, Janakpuri, New Delhi-110058, alongwith the brochure of the proposed project namely Cosmic Corporate Park situated at Plot no.1, Sector-154, Noida, consisting of modern facilities including 7 Star luxury to be provided by the accused persons under the banner of Cosmic Structure Ltd. It has been further communicated by the accused no.6 alongwith other office bearer that their company have developed, constructed and delivered numerous projects to the public situated throughout India and further communicated that the following projects developed, constructed and delivered by their company:- (a) BASERA APARTMENTS, (ANDHERI WEST, MUMBAI) (b)KAMAL APARTMENTS (ANDHERI WEST, MUMBAI) (c) SEA SHELL APARTMENT (ANDHERI WEST, MUMBAI) (d) SANJAY PLAZA (SILVER BEACH, MUMBAI) (e) PRIYA CGHS (SECTOR-13, ROHINI, DELHI) (f) VANDANA CGHS (SECTOR-13) ROHINI, DELHI) (g) DELHI WATCH DEALERS (SECTOR- 13, ROHINI, DELHI) (h)NEW GOODWILL CGHS (SECTOR-9, ROHINI, DELHI) (i) SARASWATI ENCLAVE (SECTOR-9, ROHINI, DELHI) (J) NBCC PROJECT (R.K. PURAM, NEW DELHI) (k)NBCC PROJECT (PMI, NOIDA) (l) RESIDENTIAL APPARTMENTS (NEW RAJINDER NAGAR) (m) DELHI PRASASAN (NEW DELHI) (n)HES PROJECT (KANDIVALI, MUMBAI) (o) NEEL KAMAL CGHS (VIRASPURI, NEW DELHI) (p) SUN RISE. CGHS (VIKASPURI, NEW DELHI) (q)SURYA KIRAN CGHS (VIKASPURI, NEW DELHI) (r) TAJ SURTAJ CGHS LTD. (GEETA COLONY, NEW DELHI) (s) MOON LIGHT CGHS LYD. (PATPAR GANJ, NEW DELHI) (t) SHAURYA CGHS LTD. (SECTOR-62, NOIDA) (u)DEVELOPMENT WORKS ( KANT ENCLAVE, FARIDABAD) (v) UNITECH AMSSUMENT COMPLEX (SECTOR- 10, ROHINI) (w) NAV SAJEEVAN CGHS (DWARKA, DELHI) (x) GLOBAL CGHS (GURGAON) (y) SHAURYA VIDHI CGHS LTD. (NOIDA) (z) SHIPRA ESTATE LTD. (INDRAPURAM) (aa) KOL DAM HYDRO ELECTRICT POWER PROJECT (MANALI). 5. That in the said meeting it has been further represented by the accused no.6 alongwith other office

bearers that their company is a renowned and established company in realty sector which had already delivered the above mentioned projects and having trust and faith of more than lakhs of customers who have invested more than Rs. 10,000 Crores (Rs. Ten thousand Crores) in various projects of the company situated in the vicinity of Noida and other parts of India. Thereafter the brochure of the company depicting therein the abovesaid project being the baby of the company was also handed over to the complainant. It was also represented by the accused persons that necessary permissions as required under the law have already been obtained from the competent authorities for the construction of the said project and within 12 months from the date of booking, the delivery of same would be made available to the complainant. It is pertinent to mention here that in the said meeting the acquaintance of the complainant, namely Sh. Manjeet Singh was also present and the abovesaid representations by the accused persons were also made to him. 6. That on the trust, faith and lucrative promises made by the accused no.1 to 6 in their project brochure, the complainant who is retired person maintaining himself I and his old ailing wife on pension, booked a virtual space admeasuring super area of 100 Sq. Feet. in project namely, Cosmic Corporate Park situated at Plot no. 1, Sector 154, Noida, in the said meeting at Mc Donald's Restaurant, Janakpuri, Delhi, by paying booking amount of Rs. 69071/- through cheque no. 187881 dated 08.10.2013 drawn on SBI, Delhi and acknowledgment dated 10.10.2013 was received by the complainant from the company. 7. That the complainant after booking of the said space as mentioned hereinabove was shocked and aghast after learning the ostensible information from reliable sources that the projects printed by the accused persons in the brochure of the company as well as represented to be constructed and delivered by the accused persons were bunch of unadulterated crap and lies as none of the projects as mentioned in the brochure and represented by the accused persons were constructed, developed or delivered by them or their company. It has been further learnt by the complainant that these projects as mentioned in the brochure and told by the accused person were constructed, developed or delivered by some other company known as M/s. Quality Builders, having its office at Patel Nagar and the said company which has constructed the said projects was not having any concern or relation with the company of the accused persons. 8 That after coming to know about the said sordid affair being manipulated by the accused persons, the complainant became suspicious and enquired about the project in which the complainant had invested his hard earned money, was again traumatized to know that no permission has been obtained from the competent authorities as per the statutory requirements for construction of the said project nor any land is available with the accused persons for the construction of the said project. 9. That the complainant continuously followed the illegal acts committed by the accused persons and found that numerous projects as advertised by the accused persons with assured returns were act of false representation made by them with malafide and dishonest intention to cheat the innocent customer who invested their hard earned money on the basis of so called beautiful and sweet dreams shown by the accused persons with false promise to get good returns out of the invested amount as the accused persons have not obtained any necessary permission from the authorities concerned, nor any land being owned by the accused persons for the construction of the said projects. It is also learnt by the complainant the accused no.1 who is the managing director of the company is also involved in number of criminal cases including a case in which building was collapsed resulting death of number of labourers at Delhi. 10. That the above mentioned virtual space admeasuring 100 Sq. Feet. was booked by the complainant on the trust and promise made by the accused persons at the time of booking of the said that their company have delivered number of projects as mentioned in the brochure and necessary permissions have already been obtained from the competent authorities for construction of the said project including the land belonging to the accused persons, however, all these representations and promises made by the accused persons were found false and the accused persons induced the complainant to enter into the transaction for purchase of space on the basis of false promises and misrepresentations with dishonest and malafide intention to cheat the complainant. 11. That inspite of constant follow ups with the accused persons over telephone and personal visit at their office situated in Five Star Hotel at Delhi, the accused persons refused to entertain the complainant and also refused to return the money and are illegally using the entire amount paid by the complainant for their personal gains which tantamount to money laundering. 12. That because of acute harassment due to daily delaying by the accused person, the complainant checked with Noida Authorities and it is learnt that neither the accused no.1 to 6 nor M/s. Cosmic Group are the owner of the said land at Noida, where the complainant invested his money. It is also learnt that the accused no.1 to 6 also did not have any permission and valid license to develop the said project known as Cosmic Corporate Park Sector-154, Noida. 13. That there is very likelihood that the accused no.1 to 6 have forged and fabricated the various documents and for this reason the accused persons also refused to show and provide the copy of the document relating to their ownership of land at Noida/ various approvals/ township plan approval/ NOC/ developer license, as desired by the complainant on various occasions to the accused persons. 14. That as stated hereinabove since the time of making promises and representations, the accused persons was having criminal mens rea to commit an act of cheating with the complainant as the accused persons never had any intention of developing the said project at Noida and had falsely advertised the said project to dupe the complainant and other gullible person with common intention and as such collected huge money which they have been investing in their other diversified business and buying other lands

for their personal gains. 15. That the hard earned money paid towards the booking amount to the accused persons was entrusted by the complainant to them for booking of the space on the basis of documents in the form of brochure shown by the accused persons and their representation with regard to the various projects completed by them besides necessary permissions from the authorities concerned. Hence, the accused no.1 to 6 have committed offences of fraud, cheating and criminal breach of trust by collecting the booking amount and installments from the complainant besides thousands of other innocent investors by fraud and also on their refusal to return the money 16. That the complainant later through internet media came to know that Hon'ble Supreme Court of India while admitting PIL titled "SANRAICASHAR THE PROTECTOR vs. UIO & ORS., writ petition civil no. 112/2007, has already issued notices to builders who had been misleading and cheating customers by false advertisements and promises and the matter is still pending alongwith other writ petitions before the Hon'ble apex court. The case of the complainant squarely falls within the ambit of the fact in issue pending trial before Hon'ble Supreme Court. 17. That the accused no.1 to 6 never had any intention to develop the said project and had falsely advertised the said project alongwith other projects constructed and developed by them with a false promise of providing the same within 12 months with 7 star facility including luxury to dupe the complainant and other gullible person with a common intention and by these acts of the accused persons, they have rendered themselves to be prosecuted for offences punishable u/s 420/406/467/468/471/120-B/34 IPC. 18. That since the accused persons have committed cognizable offence U/s 420/406/467/468/471/120-B/34 IPC, the complainant lodged criminal complaint dated 12-12-2013 with the SHO, Police Station Janak Puri and the same was duly received and acknowledged vide DD no. 50B on 12.12.2013 for registration of FIR against the accused persons but so far no action has been taken. Hence, finding no other option, the complainant is knocking the door of this Hon'ble Court for justice as the accused persons falsely advertised in their brochures about the number of projects, which were not constructed or developed by them and all these persons after hatching the conspiracy with a common intention of cheating the complainant and various other customer by publishing and distributing false advertisement/ brochures with wrong project highlights in persona and ram, breaching the trust of the complainant and other customers have put in by hand over their hard earned money for getting their dream of land/space at Noida.19. That the cause of action to file the present complaint in favour of the complainant as the complainant booked the virtual space admeasuring super area of 100 Sq. Feet. situated at Cosmic Corporate Park, Plot no.1, Sector-254, Noida and handed over check amount Rs. 69,071/- to the accused person on 06.10,2013 at Mc Donald's Restaurant District Center, Janak Puri, Delhi and further arose when the complainant demanded back the entrusted money from the accused person which they clearly refused to return. The cause of action occurred in the jurisdiction of Police Station Janak Puri and as such this Hon'ble Court has the jurisdiction to entertain and try the present complaint. PRAYER In view of the above facts and circumstances it is most respectfully prayed that the present complaint may kindly be registered and the accused no. 1 to 6 may kindly be summoned, tried and punished for the offences punishable U/s 420/ 406/ 467/ 468/ 471/ 120-B/ 34 IPC, in the interest of justice. SD ENGLISH Surrinder Muttreja COMPLAINANT THROUGH DELHI DATED 2/1/14 SD ENGLISH (SANJAY KHANNA) ADVOCATE Duty officer P.S.- Janak Puri to register a case U/s- 420/406/467/468/471/120-B/34 IPC as per the order of the Court and investigation be handed over to me. SD ENGLISH 26.2.14 SI Arun Kumar PS- Janak Puri शिकायत फाईल क मौशुलगी पर मुकदमा हजा क कायमी बाजुम U/S 420/406/467/468

/471/120-B/34 IPC

Computer

Ct Deepak No. 3132/W

FIR

Computer

Computerized FIR

SI Arun Kumar

ASI/DO

### 13. Action Taken (Since the above information reveals commission of offence(s) u/s as mentioned at item no.2 :

(i) Registered the case and took up the investigation

OR

(ii) Directed (Name of the I.O):

Rank:

PIS Number:

to take up the investigation

,OR

(iii) Refuse investigation due to:

OR

(iv) Transferred to P.S(name):

District:

on point of jurisdiction.

**F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant, free of cost**  
:

**R.O.A.C:**

**14.**

**Signature / Thumb Impression of The Complainant / Informant :**

**Signature of Officer**

**NAME**

**RANK**

**PIS NUMBER**

**15. Date and Time of despatch to the court:**