

Date and Time of Report : 02 03 2008

COULT



FIRST INFORMATION REPORT
(Under Sections 154 and 157 Cr.P.C)

A.P.M. Orders 470.500

District: Cyberabad Police Station: Nacharam Year: 2008 FIR No: 40 2008 Date: 02 03 2008

(i) Acts and Sections : 420-IPC

(a) Occurrence of Offence : Day : Date From : Date To :
Time Period : Time From : Time To :

(b) Information received at the Police Station : Date : 02 03 2008 Time : 17:15

(c) General Diary Reference : Entry No (s) : Time : Prior To : 02 03 2008

Type of Information : WRITTEN

Place of Occurrence : Direction and Distance From PS : NORTH-EAST 5 KMS Beat No :

(b) Place : MAYFLOWER PARK MALLAPUR

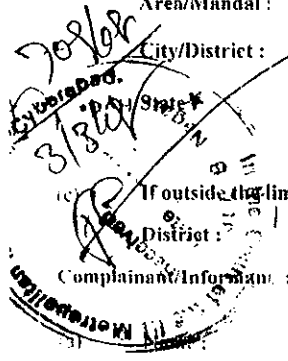
Street / Village : MALLAPUR

Area/Mandal : UPPAL

City/District : Cyberabad

Andhra Pradesh

FIR
PC 2730 Nacharam
1030
3/03/08



(c) If outside the limits of this Police Station, then the name of concerned Police Station :

District :

Complainant/Informant :

SMT.P.VARALAXMI

(b) Father's/Husband's Name : W/O P.RAVINDER REDDY

(c) Date/Year of Birth : Age : 46 Nationality : India

(c) Passport No : Date of Issue : Place of Issue :

(c) Occupation :

(b) House No : 1-402

Street/Village : MAYFLOWER PARK, MALLAPUR

Area/Mandal : MALLAPUR, UPPAL

City/District : Cyberabad

State : Andhra Pradesh

Pin Code :

Languages/Dialect	PLACE OF				
	Burn Mark	Leucoderma	Mole	Scar	Tatto
13	14	15	16	17	18

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect. This will be used only for the purpose of preliminary retrieval to assist I.O.

Database created will subsequently link one suspect in several cases, if any

Comprehensive and complete data on all fields will again be prepared when any accused is arrested of previous conviction

Reasons for delay in reporting by the Complainant/Informant :

Particulars of properties Stolen/Involved :

Total value of properties Stolen/Involved: 0

Inquest Report U.D. Case No., if any :

Contents of the complaint/Statement of the complainant or Informant :

IN THE COURT OF THE HONOURABLE III M.M. CYBERABAD AT L B NAGAR HYDERABAD.

Honoured Sir,

Today i.e. on 02.03.2008 at 17:15 hrs received a complaint by name Smt. P.Varalaxmi W/o P.Ravinder reddy, age: 46 yrs. R/o 1-402, Mayflower Park, Mallapur, RR Dsit was came to PS and lodged English type written complaint which was reads as under follows.

(Enclosed Original complaint here with)

Brief facts of the case are that prior to on 02.05.2008 the accused persons Soham Modi & Gourang Modi were former members of Association of Owners Mayflower Park apts at Mallapur they were in permitted the Reliance communications existed over the complainant's Flat in Block no. 1 and cheated by the complainant at Mallapur, and take necessary action.

Hence the FIR.

Registered on 02.03.2008 at 17:15 hrs.

As per the contents of the above report I registered a case in Cr.No. 40/2008 U/Sec 420 IPC and took up the investigation. Action taken: Since the above report reveals commission of offence (s) U/S as mentioned at Item No.2, I registered the case and took up the investigation/directed :

Under investigation

Rank : Sri.A.Sastryanarayana

Sub Inspector Of Police (Si)

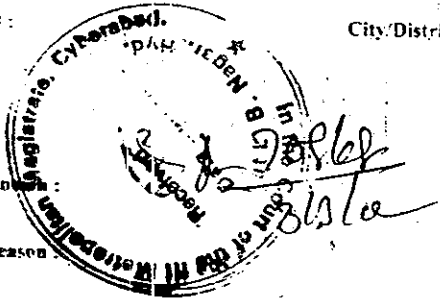
to take up the investigation

Details of known/unknown accused with full particulars :

Serial No: 1
 Name of Accused: SHOHAM MODI & GOURANG MODI AND OTHERS
 Father's Name: Occupation:
 Caste: Category: GENERAL Sex: Age: Nationality:
 Present H.No:
 Present Street:
 Present Area Village:
 Present City-District:
 Present State:
 Pin Code:
 Phone: (Office) Phone(res): Cell No:
 Email:

Physical features, deformities and other details of the suspect :

No: Name: Father's Name:
 Occupation:
 Street/Village:
 City/District:
 Mandal:
 Code:
 Languages Known:
 Arresting Reason:



Date Year of Birth	Build	Height (in cms)	Complexion	Identification Mark(s)	
2	3	4	5	6	

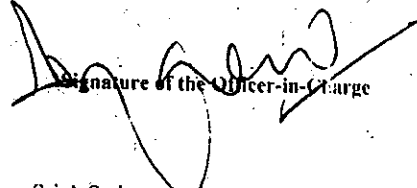
Deformities Peculiarities	Teeth	Hair	Eye	Habits	Dress Habits
	8	9	10	11	12

R

Refused investigation/transferred to Police Station :

on the point of Jurisdiction.

F.I.R. read over to the Complainant/Informant, admitted to be correctly recorded and a copy given to Complainant/Informant free of cost

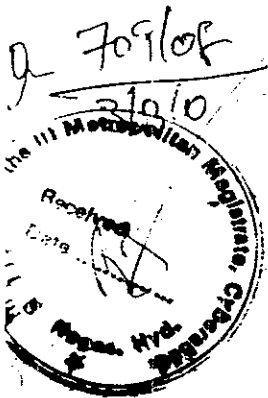

Signature of the Officer-in-Charge

Signature/Thumb impression of the Complainant/Informant :

Name Sri.A.Sathyanarayana

Rank Sub Inspector Of Police (Si)

Date and Time of despatch to the Court :



R

To,

The Station House Officer,
Police Station: Nacharam,
Cyberabad, Rangareddy Dt.

Cheating & Criminal breach of trust of over Rs. 5,00,000/-
by Soham Modi and Gaurang Modi

Respected sir,

I am a member of Mayflower Park Owners' Association Mallapur, Regd.No.4515/2001. I own Flat:I-402. A cellphone signals tower of Reliance Communications existed over my flat in Block:1. I filed Public Interest Litigation Writ Petition 23228/07 for its removal. The Hon'ble High Court allowed that WP on 31-12-07 with costs against M/s Modi (Respondent:3) & Reliance Communications (R:4), issuing certain specific directions to Commissioner GHMC. That tower was removed after filing of Contempt Case 167/08 against CVSK Sarma, Commissioner GHMC.

The counter affidavits and documents submitted by Respondents 3 and 4 in High Court, disclosed fraud cheating & criminal breach of trust committed by Soham Modi & Gourang Modi. Though Soham Modi was General Secretary of Association of Owners, formed in 2001 with Reg. No. 4515/01; concealing this he fraudulently and dishonestly executed Lease Agreement on 22-10-02, Gaurang Modi attested that as witness and executed Lease Deed (Reg.Doc.2904/04) on 10-03-04 to Reliance Infocomm, as if no Association of Owners existed. They collected Rs.48,000/- deposit and were collecting Rs.8,000/- monthly rents with periodical increases since then. The clauses 3(a), 3(b) and 8(b) of both documents fully establish their criminal breach of trust, fraud, cheating, etc. Both agreements recited attornment of lease to Association of Owners as and when formed, which was actually formed in 2001 and was alone entitled to lease out if so desired and to receive those rent monies; their photocopies are annexed. They illegally executed lease agreement/deed, never revealed to Association swallowed the rents of over Rs.5,00,000/- and gained wrongfully.

3. Please initiate necessary legal action against the culprits and get them punished for their offences.

MALLAPUR
Dt. 27-02-08

P. Varalaxmi W/o P.Ravinder Reddy
aged 46 years, household R/o I-402,
Mayflower Park, Mallapur, RR Dist.
Ph: 9490641188, 040-27158888

Copy submitted to:

1. The Asst. Commissioner of Police, Malkajgiri Division, Cyberabad.
2. The Dy. Commissioner of Police, L&O Cyberabad, at Pet Bashirabad.
3. The Commissioner of Police, Cyberabad.

FINAL RESULT

Cyberabad Commissionerate
Police Station : Nacharam

Year : 2008

F.I.R No.40 2008

Dated : 02.03.2008

1. Charge sheet/Final Report No. : 2008 2. Dated : 08.05.2008

3. Act : IPC Sections : 420 IPC

4. Type of Final result : Final report

5. If final report. result : **Civil Nature**

6. If supplementary or original : Original

7. Name, Rank & No. (if any) of I.Os. : K. Pandu Ranga Rao, Inspector of Police, Nacharam P.S..

8. Name of the Complainant/Informant : Smt. P. Vara Laxmi, W/o Ravinder Reddy, 46 years, Occ: Housewife, R Flat No.402, Block No.1, May Flower Park Apartments, Mallapur, Nacharam

9. Date on which the complainant Informant was informed of the final result : 08.05.2008

10. Details of properties/articles/ documents recovered / seized during investigation and relied upon : --
III M.M.

Cyberabad Particulars of accused persons charge sheeted : --

Names of accused persons not charge sheeted : Soham Modi, Managing Director & Gourang Modi of M/s. Modi Properties & Investments Pvt, Ltd. Secunderabad.

Particulars of witnesses examined :

1. Smt. P. Vara Laxmi, W/o Ravinder Reddy, 46 years, Occ: Housewife, R Flat No.402, Block No.1, May Flower Park Apartments, Mallapur, Nacharam.
2. Sri P. Ravinder Reddy, S/o Anantha Reddy, 47 years, Occ. BSNL employee, Flat No.402, Block No.1, May Flower Park Apartments, Mallapur, Nacharam

14. If FIR is false, action taken : --
U/Sec.182/211 IPC..

15. Result of Laboratory analysis : --

16. Brief facts of the case : Contd...

**IN THE COURT OF THE HON'BLE III METROPOLITAN MAGISTRATE,
CYBERABAD AT L.B NAGAR.**

Honoured Sir,

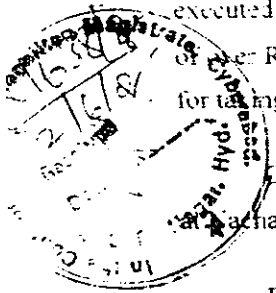
I am to submit that on 2.3.2008 at 1715 hours, a complaint was lodged with Nacharam police station by one Smt. P. Vara Laxmi, W/o Ravinder Reddy, R Flat No.402, Block No.1, May Flower Park Apartments, Mallapur, Nacharam stating that she is a member of May Flower Park Owner's Association, Mallapur registered with No.4515/2001. She owns a flat being No.402 in Block No.1. A cell phone signal tower of Reliance Communications existed over her flat in Block No.1. She filed a Part

Interest Litigation Writ Petition 25228/07 for its removal. The Hon'ble High Court allowed the said writ petition on 31.12.2007 with costs against M/s. Modi (Respondent No.3) and Reliance Communications (Respondent No.4) issuing certain specific directions to Commissioner, GHMC.. That tower was removed after filing of Contempt Case 167/08 against CVSK Sharma, Commissioner, GHMC.. The counter affidavits and documents submitted by Respondents 3 and 4 in High Court disclosed fraud, cheating and criminal breach of trust committed by Soham Modi and Gourang Modi. Though Soham Modi was General Secretary of Association of Owners formed in 2001 with Registration No.4515/01, concealing this he fraudulently and dishonestly executed Lease Agreement on 22.10.2002. Gourang Modi attested the same as witness and executed lease deed (Registered document No.2904/04) on 10.3.2004 to Reliance Infocomm as if no Association of Owners existed. They collected Rs.48,000/- deposit and were collecting Rs.8,000 - monthly rents with periodical increases since then. The clauses 3(a), 3(b) and 8(b) of both documents fully establish their criminal breach of trust, fraud, cheating etc.. Both agreements recited attornment of lease to Association of Owners as and when formed, which was actually formed in 2001 and was alone entitled to lease out if so desired and to receive those rent monies, their photocopies are annexed. They illegally executed Lease agreement deed, never revealed to Association and swallowed the rent money of Rs.5,90,000 - and gained wrongfully. Thus stating so, the complainant requested for taking necessary legal action in the matter.

On the above complaint, a case in Cr.No.40/2008, U/Sec.420 I.P.C., was registered at Nacharam P.S., and the same was investigated into.

During investigation, evidence was collected by examining the complainant, Smt P. Vara Laxmi, her husband, Sri P. Ravinder Reddy and Sri Keshawaram Anjaneyulu and Sri Ch. Suresh Babu, who are the President and Joint Secretary of May Flower Park Apartments Owners Association. The documents collected during the investigation were perused with much care and consideration it deserves.

The findings of the investigation in this case supported by the evidence collected and documentary evidence, it is disclosed that the complainant, Smt. P. Vara Laxmi and her husband, P. Ravinder Reddy are the owners of flat No.402 in Block-I of May Flower Park Apartments situated at Mallapur, Nacharam by virtue of registered sale deed No.419/2003. As per the clause 4 (ix) of the said sale deed, the terrace and terrace rights, rights of further construction or, in and around the building and ownership of areas not specifically sold or allotted to any person shall belong only on the vendor, Sri Soham Modi of M/s. Modi Properties & Investments Private Limited, Secunderabad and the purchasers shall not have any right, title or claim thereon. The vendor shall have absolute



rights to deal with the same in any manner he deems fit without any objection whatsoever from the purchaser. A registered Lease Agreement vide No.2904/04 was executed by Modi Properties, represented by Gaurang Modi with Reliance Infocomm Limited, Lakeshore Towers, Raj Bhavan Road, Somajiguda, Hyderabad for the erection of Reliance telecommunications tower on Block-I of May Flower Park Apartments. Soham Modi was the founding member of May Flower Pa. Owners Association and was its General Secretary temporarily till the first elections were called for in March, 2003.

The complainant, Smt. Vara Laxmi took objection for the continuance of Reliance Signal tower since some cracks were said to have been appeared in the structure of the apartment. She filed a public interest litigation writ petition 23228/07 in the Hon'ble High Court for the removal of Signal tower and the Hon'ble High Court after considering the case from all angles, directed the GHMC officials for the removal of signal tower. Accordingly, the signal tower was removed during the month of February, 2008.

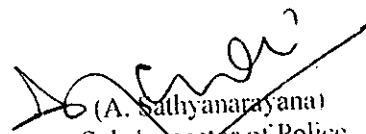
There are some important legal aspects to be considered in this case. The Association is incharge of the day-to-day maintenance of May Flower Park and is run by its duly elected members. The builder owns the terrace rights of the building and is clearly stated in all the sale deeds. The bye laws of the Association also clearly state that the Association does not have the terrace rights. The lease deed that was executed by Gaurang Modi, represented by M/s. Modi Properties & Investments Private Limited and Reliance Infocomm was purely a private contract. The clause about attornment of the lease deed is an error that has crept into the deed by oversight. The clause is against the terms of the lease deed. Modi Properties is the owner of the terrace rights and there is no need for it to attorn the rent to the Association. In any case, it is a private contract between Reliance and Modi Properties and the third parties have no right to ask for enforcement of terms of the contract. The complainant, Smt. Vara Laxmi is only an ordinary member of the Association and cannot represent the Association without authority. Only the duly elected members of the Association can make any claims against the Builder Reliance. No such claim has been made by the Association till now, though the Association is aware of the terms of lease with Reliance. Importantly, the case is of purely civil nature and was already dealt by the Hon'ble High Court. It is always open for the Association to claim compensation by filing a civil suit. The lease deed has been submitted to the High Court and it is aware of its contents. The Hon'ble High Court has already gone into the issues and has not made any order for compensation, but for the costs.

On the other hand, the President, Joint Secretary and Treasurer of May Flower Park Owners Association represented that they have learnt that Smt. P. Vara Laxmi has

filed a complaint against Mr. Soham Modi and Mr. Gaurang Modi making claims regarding the signal tower on Block-I on behalf of May Flower Park Owners Association. That, she is an ordinary member of the May Flower Park Owners Association and has not been authorized by the association to file the case against Mr. Soham Modi or Gaurang Modi with regard to the tower erected on Block-I. Only the duly elected Office bearers of Association are authorized to represent any such matter whenever required. They are aware of the agreement between Reliance Communications Limited and Modi Properties and Investments Private Limited. They shall request Modi Properties for any compensation if paid for erecting the tower on Block-I as authorized members of the association and that they are looking forward to an amicable settlement. They enjoy very cordial relations with Mr. Soham Modi and they do not wish to litigate in the matter. Smt. P. Vara Laxmi has no authority in the matter since the issue is related to the common area property of the May Flower Park Apartments.

Considering the case from all angles I feel that there is no cheating or criminal breach of trust involved in this case. This is purely a matter of civil nature, which was already dealt by the Hon'ble High Court.

In view of my above submissions, I am referring this case as *Civil Nature* and submitting my final report, which may please be accepted.


(A. Sathyanarayana)
Sub-Inspector of Police,
Nacharam P.S.,