

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM(M) No.744/2025
CrIM(1852/2025)

FARHAT ABBAS MALIK

.....Petitioner(s)

Through: Mr.Ajaz Chowdhary Sheikh,
Advocate.

V/s

UNION TERRITORY OF J AND K AND ANR.

... ..Respondent(s)

Through : None

CORAM:

HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER

28.11.2025

1. The petitioner through the medium of present petition has challenged FIR No.02/2025 for offences under Section 420 IPC, registered with Police Station Special Crime Wing Srinagar.
2. Heard and considered.
3. As per the contents of the impugned FIR, a complaint was received by Special Crime Wing, Srinagar from complainant/respondent No.2 alleging therein that he was looking for job opportunities online in different countries outside India. In June 2022, he came across consultancy that was headed by the petitioner, whereafter he contacted him. It has been alleged that the petitioner assured him that he would be provided job as an Assistant Manager in Singapore with a salary package of INR 1.40 lac per month. It is also alleged that the

petitioner after receiving an amount of Rs.2,69,300/- and original documents, did not provide any job to him nor did he returned the money.

4. On the basis of aforesaid complaint, preliminary verification was conducted by Special Crime Wing Srinagar. During the probe, the allegations made in the complaint were found to be substantiated and, accordingly, offence under Section 420 IPC found disclosed against the petitioner.

5. The petitioner has challenged the impugned FIR by pleading that the complainant did not pay the balance amount of Rs.2,40,000/- to the petitioner as security though he had assured him that he would pay the amount within one week. According to the petitioner, respondent No.2 did not make the payment of the balance amount and in 2nd week of September, 2023 respondent No.2 conveyed to the petitioner that he does not want to go to Armenia and sought refund of his amount. It has been submitted that the amount that has been received by the petitioner from respondent No.2 has been spent on procuring visa for him.

6. On the basis of aforesaid assertions, it is being contended that no offence is made out against the petitioner and that the impugned FIR has been lodged to pressurize him to refund the

amount, which has been already spent by him in procuring visa for respondent No.2.

7. It is a settled law that an FIR or a complaint can be quashed by High Court in exercise of powers under Section 528 BNSS, if the FIR does not disclose commission of any cognizable offence. The High Court can also exercise powers under Section 528 BNSS where the complaint discloses a transaction between the complainant and the accused and the contents of the complaint appear to be purely of civil nature.

8. In the present case, there are specific allegations made by respondent No.2 in the impugned FIR, that the petitioner had assured him to procure job for him and for this purpose he paid an amount of Rs.2,69,300/- to the petitioner. It is further alleged in the impugned FIR that the petitioner did not provide any job to respondent No.2 and he had not even refunded the amount to him. Thus, according to the complainant, the petitioner has made him to part with money on the pretext of providing job in a foreign country. These allegations, prima facie, constitute offence of cheating as defined under Section 420 of IPC. Thus, the contents of the impugned FIR clearly disclose commission of cognizable offence.

9. The defence of the petitioner that he had spent the amount received by him in procuring visa for respondent No.2 and he

could not procure job for him because he failed to pay the balance amount, can be looked into by the Investigating Agency during investigation of the case. This Court, while exercising its powers under Section 528 BNSS, cannot hold a mini trial to ascertain veracity of defence raised by the petitioner. Once from the contents of the FIR, commission of cognizable offence is disclosed, it becomes duty of the Investigating Agency to undertake investigation. At this stage, the Court cannot scuttle the investigation when the facts are hazy and the material is yet to be collected by the Investigating Agency.

10. In view of the above, I do not find any merit in this petition.

The same is accordingly dismissed.

(SANJAY DHAR)
JUDGE

SRINAGAR

28.11.2025

Sarveeda Nissar

Whether the order is speaking: Yes/No

Whether the order is reportable: Yes/No