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

CNR No. DLHC010391352026

+ **CRL.M.C. 6156/2026**

YU ZHANG

.....Petitioner

Through: Ms. Vandana Sehgal and Mr. Mohit
Yadav, Advs.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

% **21.08.2026**

1. This hearing has been done through hybrid mode.

CRL.M.A. 25741/2026

2. Allowed subject to all just exceptions. The application stands disposed of.

CRL.M.C. 6156/2026

3. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), seeking quashing of the orders dated 21.05.2025 and 30.05.2025 passed by the learned Chief Judicial Magistrate, Patiala House Courts, New Delhi in CR Case No. 8835/2022 arising out of FIR No. 129/2022 registered at P.S. Special Cell (Cyber Crime Unit), Dwarka, whereby charges have been framed against the petitioner under Sections 384/420/120B of the Indian Penal Code, 1860. The petitioner also seeks quashing of the aforesaid FIR and all consequential proceedings arising therefrom.



4. Briefly stated, the present case arises out of FIR No. 129/2022 which came to be registered at P.S. Special Cell (Cyber Crime Unit), Dwarka, on the complaint of Rohan Kapoor alleging that he had received threatening and extortion calls in connection with an online loan application. During investigation, it was alleged that the accused persons were operating a syndicate involved in extortion through fake instant loan applications. The petitioner, Yu Zhang, was subsequently implicated on the basis of material collected during investigation, including certain financial transactions routed through Boris Fintech Private Limited/Diwali Rummy through the Cashfree payment gateway, the mobile number and email account allegedly linked to her, and WhatsApp chats recovered from her mobile phone indicating her involvement in the operation and transactions of Boris Fintech Private Limited. The investigation also recorded statements of her employees and relied upon chats found in their mobile phones concerning the said company. A supplementary chargesheet was accordingly filed against the petitioner. Thereafter, vide orders dated 21.05.2025 and 30.05.2025, the learned Trial Court found a prima facie case against the petitioner and the other accused persons under Sections 384/420/120B IPC and framed charges accordingly. Aggrieved thereby, the petitioner has approached this Court.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that there is no material to connect her with the commission of the alleged offences. It is submitted that the petitioner was not named in the first chargesheet and was subsequently implicated primarily on the basis of two transactions of ₹12,534/- and ₹11,227/- credited into the account of co-accused Zuhaib Hasan from Boris Fintech Private Limited/Diwali Rummy through the Cashfree payment



gateway.

6. Learned counsel for the petitioner submits that the petitioner neither made any extortion call nor threatened any victim, induced any complainant to part with money, nor received any alleged extortion proceeds.

7. Learned counsel further submits that the essential ingredients of Sections 384 and 420 IPC are not made out against the petitioner and that there is no material to establish any meeting of minds or agreement so as to attract Section 120B IPC.

8. Learned counsel for the petitioner has further relied upon the fact that the learned Trial Court did not find sufficient material to frame charges under Sections 385/468/471 IPC and has submitted that the same demonstrates the weakness of the prosecution case. It is also contended that the prosecution has sought to implicate the petitioner merely on the basis of financial transactions which, according to the petitioner, have no direct connection with the complainant or the alleged extortion.

9. This Court has considered the submissions and perused the material placed on record.

10. At the outset, it is necessary to bear in mind the limited scope of interference under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 at the stage where charges have been framed. The inherent jurisdiction of this Court is extraordinary in nature and is to be exercised sparingly and with circumspection. Where the material collected during investigation, *prima facie* discloses the ingredients of the alleged offences, the High Court ought not to undertake a meticulous appreciation of the evidence or examine whether the prosecution would ultimately succeed at trial.

11. It is necessary to reiterate the settled law with respect to framing of



charge. In the ***State of M.P. v. S.B. Johari (supra)***, the Hon'ble Supreme Court rendered the following observations:

“4. In our view, it is apparent that the entire approach of the High Court is illegal and erroneous. From the reasons recorded by the High Court, it appears that instead of considering the prima facie case, the High Court has appreciated and weighed the materials on record for coming to the conclusion that charge against the respondents could not have been framed. It is settled law that at the stage of framing the charge, the court has to prima facie consider whether there is sufficient ground for proceeding against the accused. The court is not required to appreciate the evidence and arrive at the conclusion that the materials produced are sufficient or not for convicting the accused. If the court is satisfied that a prima facie case is made out for proceeding further then a charge has to be framed.”

12. The Supreme Court in ***Amit Kapoor v. Ramesh Chander & Anr., (2012) 9 SCC 460***, has held as follows:

“At the initial stage of framing of a charge, the court is concerned not with proof but with a strong suspicion that the accused has committed an offence, which, if put to trial, could prove him guilty. All that the court has to see is that the material on record and the facts would be compatible with the innocence of the accused or not. The final test of guilt is not to be applied at that stage.”

13. Similarly, in ***State of Rajasthan v. Ashok Kumar Kashyap, (2021) 11 SCC 191***, the Supreme Court has reiterated that at the stage of framing of charge or considering discharge, the Court is required to determine whether a prima facie case is made out and that the defence of the accused is not to be considered at that stage.

14. In the present case, the aforesaid principles, when applied to the material collected during investigation in the present case, make it evident that the challenge raised by the petitioner cannot be accepted. The chargesheet



contains specific material connecting the petitioner with the affairs and functioning of Boris Fintech Private Limited and the financial transactions forming part of the prosecution case.

15. The investigation has revealed that the merchant details of “Diwali Rummy” were obtained from the payment gateway Cashfree. The merchant was registered with the email ID boristechno100@gmail.com and mobile number 9717889966. The said mobile number was found to be registered in the name of Naresh Chandra Sharma, the deceased husband of the petitioner. Further investigation revealed that the aforesaid email ID was logged in through mobile number 9953099939, which was registered in the name of the petitioner. The mobile phone bearing the said SIM was thereafter recovered from the possession of the petitioner and taken into police possession vide seizure memo.

16. The record further shows that the mobile phone recovered from the petitioner contained WhatsApp chats wherein the petitioner was allegedly giving directions to her employees, namely Amit and Manoj, in relation to transactions concerning the account of Boris Fintech Private Limited. The investigation also records that Tarachand, Manoj Kumar, Sanjeev Kumar and Amit Kumar had been employed by the petitioner and that the mobile phones of the said employees also contained chats concerning Boris Fintech Private Limited and their communications with the petitioner.

17. Furthermore, on the basis of the chats recovered from the mobile phones of the petitioner and her employees, it has been found that Boris Fintech Private Limited had been opened for the purpose of operating a merchant account with the payment gateway Cashfree and that the petitioner was operating the merchant account opened in the name of Sanjeev Kumar.



The investigation further reveals that the amounts collected in the bank account of Boris Fintech Private Limited were transferred to the merchant account maintained with Cashfree. Statements under Section 161 Cr.P.C. of Tarachand, Manoj Kumar, Sanjeev Kumar and Amit Kumar were also recorded during investigation.

18. Accordingly, upon a cumulative consideration of the material collected during investigation, and taking the same at its face value, this Court finds that the prosecution material discloses a prima facie nexus between the petitioner and the transactions forming part of the prosecution case. The material on record indicates the petitioner's association with Boris Fintech Private Limited, her alleged operation of the merchant account maintained through the payment gateway, the WhatsApp communications exchanged with her employees in relation to the transactions of the said company, and the financial trail through which the amounts in question were routed. The aforesaid material, at this stage, is sufficient to disclose a prima facie case against the petitioner for the offences punishable under Sections 384, 420 and 120B of the IPC.

19. The petitioner seeks to explain the aforesaid material by stating that she had registered Boris Fintech Private Limited at the instance of one Jane and was acting only on her instructions, without knowledge of the alleged use of the company for making payments to persons involved in illegal instant loan applications. Whether such explanation is correct and whether the petitioner had the requisite knowledge and mens rea are matters to be tested on the basis of evidence at trial.

20. At this stage, this Court is only required to examine whether the material on record discloses a prima facie case or raises a strong suspicion



against the petitioner. The defence sought to be raised by her cannot be adjudicated upon in exercise of jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

21. The contention that the petitioner did not herself make any threatening call or directly interact with the complainant also does not, by itself, negate the prosecution case. The material collected during the investigation attributes to her a role in the financial and operational aspects of the alleged arrangement. Whether such a role establishes her participation in the offences is a matter for trial.

22. Similarly, the petitioner's absence from the first chargesheet is of no consequence where further investigation resulted in collection of material connecting her with the alleged transactions. The subsequent material, including the financial transactions, linkage of the merchant account and mobile numbers, WhatsApp chats and statements of the employees, cannot be discarded at this stage. Its evidentiary value is a matter to be tested during trial.

23. Accordingly, this Court finds no ground to interfere with the orders dated 21.05.2025 and 30.05.2025 passed by the learned Chief Judicial Magistrate, Patiala House Courts, New Delhi. The present petition is accordingly dismissed.

24. Alternatively, it is also noted that the impugned orders are dated 21.05.2025 and 30.05.2025, and have been challenged only on 17.08.2026, which prima facie reflects substantial delay from the date of the orders. There is no application seeking condonation of delay on record. Thus, apart from the aforesaid grounds, the unexplained delay in approaching this Court, without any accompanying application seeking condonation thereof, also



constitutes a ground for dismissal of the present petition.

25. Pending application(s), if any, also stand disposed of.

26. It is clarified that the observations made hereinabove are confined to the adjudication of the present petition and shall not prejudice either the petitioner or the prosecution before the learned Trial Court, which shall consider the evidence led before it independently and in accordance with law.

MADHU JAIN, J

AUGUST 21, 2026/sd