



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-48582-2024 in/and
CRM-M-61505-2024
Date of Decision : 09.12.2024**

AMIT TYAGI

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. B.S.Chowdhary, Advocate,
for the applicant/petitioner (through V.C.)

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI. J.(Oral)

CRM-48582-2024 in

Leave granted.

CRM-M-61505-2024

1. Through the instant petition preferred under Section 528 of the BNSS, 2023, the petitioner seek quashing of case FIR no.034, dated 16.02.2024, registered under Sections 420 abd 120-B of the IPC, at Police Station Jhunir, District Mansa (Annexure P-1), as well as charge-sheet dated 23.04.2024, for the offence under Sections 420 and 120-B IPC (Annexure P-2).

2. Learned counsel for the petitioner, in asking for the relief (*supra*), submits that there is no documentary evidence to substantiate that the amount in cash has ever been paid by the complainant.

3. He further submits that the entire chargesheet which has been filed by the prosecution, is lacking admissible evidence, which could bring home the guilty of the present petitioner.

4. This Court has heard learned counsel for the petitioner at length, and has gone through the entire case file.

5. The issues which have been raised before this Court by learned counsel for the petitioner, are in fact disputed question of facts, which cannot be adjudicated by this Court by filing instant petition under Section 528 of the BNSS. 2023. Some of the disputed questions being that, whether, the oral allegations as alleged by the complainant requires any corroboration from the documentary evidence; whether, the statements of the witnesses recorded by the prosecution under the provisions of Section 161 Cr.P.C. cannot be look into and no observation can be made, in this regard.

6. All these issues require thorough adjudication by the learned trial court concerned, that too after adduction of evidence by the prosecution.

7. In view of the above, the instant petition is, hereby, **dismissed**. However, liberty is granted to the petitioner to raise all such pleas, as raised through the instant petition, before the learned trial Court concerned, at an appropriate stage of the trial.

8. All pending application(s), if any, also stand **disposed** of accordingly.

December 09, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No