



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

135

CRM-M-18182-2025
Date of decision: 08.04.2025

Pardeep Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Monu Sheokand, Advocate for
Mr. Sandeep Kumar, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner has approached this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') for quashing of FIR No.0001 dated 21.06.2024 under Sections 420, 120-B of the IPC (Section 66D of the IT Act added lateron) registered at Police Station Cyber Crime, Ludhiana City, District Ludhiana, and notice under Section 41A of the Cr.P.C. dated 10.03.2025 and all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case despite the absence of any material or evidence connecting him with the alleged offence. It is submitted that FIR No.0001 registered at Police Station Cyber Crime, Ludhiana City, District Ludhiana (Annexure P-1), name certain individuals in connection with the alleged fraud; however, the petitioner is not amongst the named accused .

3. Drawing attention to Annexure P-1, learned counsel points



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out that the petitioner has neither been named in the FIR nor has his name surfaced in the disclosure statements of any of the co-accused who were arrested. In fact, during the course of investigation, the initially arrested accused namely Dharminder Kumar son of Vijay Singh, Pankaj Narang son of Surinder Pal, and Chander Mohan disclosed the names of several other persons, including Lokesh Kumar, Vikram Yadav son of Hoshiyar Singh, Kamal Kishor son of Luna Ram, Vikram Singh Gujjar son of Bivaram, Vipul Singh son of Tuka Ram, Gauri Kurshant son of Bhale Rao, Satish Kumar son of Mahipal, Rohit Goel son of Sushil Goel, Varun son of Prabhu Dayal, Abhishek Kumar and Tanvi Sharma; however, none of these disclosures make any reference to the petitioner. It is further submitted that there is no allegation suggesting any financial transaction involving the bank account of the petitioner, nor is there any linkage between the petitioner and the mobile number referred to in the FIR. Learned counsel submits that the investigating officer had visited the residence of the petitioner and conducted an inquiry, during which no incriminating material was recovered that could suggest the petitioner's involvement in the commission of the alleged offence.

4. Upon a specific query by this Court regarding the stage of investigation, it has been submitted that the investigation is still underway. Nevertheless, a notice dated 10.03.2025 was issued to the petitioner under Section 41-A of the Cr.P.C./35 of the BNSS requiring his appearance before the investigating agency. On this basis, learned counsel prays for quashing of both the said notice and the FIR.



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5. I have heard learned counsel for the petitioner and perused the relevant material on record.

6. Before proceeding further, it would be apposite to reproduce the text of Section 41A which is as under:-

“41A. Notice of appearance before police officer.--

(1) The police officer shall], in all cases where the arrest of a person is not required under the provisions of sub-section (1) of section 41, issue a notice directing the person against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence, to appear before him or at such other place as may be specified in the notice.

(2) Where such a notice is issued to any person, it shall be the duty of that person to comply with the terms of the notice.

(3) Where such person complies and continues to comply with the notice, he shall not be arrested in respect of the offence referred to in the notice unless, for reasons to be recorded, the police officer is of the opinion that he ought to be arrested.

(4) Where such person, at any time, fails to comply with the terms of the notice or is unwilling to identify himself, the police officer may, subject to such orders as may have been passed by a competent Court in this behalf, arrest him for the offence mentioned in the notice.

7. From a plain reading of the above provision, it is evident that the issuance of notice under Section 41A of the Cr.P.C. is a procedural safeguard, aimed at ensuring the participation of a suspect in the investigation process without subjecting him to unnecessary arrest. The underlying legislative intent is to promote cooperation with the investigation while respecting individual liberty.

8. Compliance with a notice under Section 41A of the Cr.P.C.



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is statutorily mandated. In the present case, the issuance of such a notice to the petitioner is merely a step to secure his participation in the investigation which is underway. At this nascent stage of proceedings, when the investigation is still underway, no cogent ground is made out for this Court to invoke its inherent jurisdiction under 528 of BNSS to quash either the FIR (Annexure P-1) or the notice issued thereunder.

9. It is a settled principle of law that this Court should exercise its inherent jurisdiction sparingly, especially when the investigation is in progress and no conclusive finding can yet be drawn as to the involvement or innocence of the petitioner interference at this premature stage would not be justified.

10. Needless to add, the petitioner shall be at liberty to avail appropriate remedies in accordance with law, if and when such a situation arises. The instant petition is accordingly dismissed.

11. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

08.04.2025

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No