



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

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CRM-M No.19551 of 2025 (O&M)

Date of decision: 08.04.2025

Nitesh Goel

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Luvinder Sofat, Advocate
and Mr. Mehardeep Singh, Advocate
for the petitioner.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 528 of BNSS, 2023, is for quashing of FIR No.139 dated 11.10.2024 registered under Section 420 IPC at Police Station Dugri, District Police Commissionerate Ludhiana. Further prayer has been made to stay the further proceedings in the FIR (supra), during the pendency of the present petition.

2. Learned counsel for the petitioner, inter alia, contends that the dispute between the parties is purely civil in nature, arising out of a contractual obligation. Initially, one complaint was filed by the petitioner and the Assistant Commissioner of Police, Economic Offences Wing-II, Ludhiana, has associated the petitioner as well as the complainant/respondent No.2 and came to the conclusion that a civil suit with regard to the same dispute is already pending before the competent Court of jurisdiction in Ludhiana. The officer has

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recommended that no action is required. Thereafter, the complainant/respondent No.2 filed a criminal complaint (Annexure P-8), before the learned Judicial Magistrate Ist Class, Ludhiana, however, on 05.04.2024, he has withdrawn the criminal complaint, which was filed on the identical allegations.

3. Learned counsel for the petitioner further submits that even a suit for recovery filed by the petitioner has been decreed in favour of the petitioner and as such, it is a matter of record that dispute between the parties is purely civil in nature. In support of his contention, learned counsel for the petitioner has relied upon the judgment of Hon'ble Supreme Court in ***Vesa Holdings Private Limited vs State of Kerala (2015) 8 SCC 293***.

4. Notice of motion.

5. Mr. Subhash Godara, Addl. A.G., Punjab who is present in the Court accepts notice on behalf of the respondent – State and submits that the present petition is pre-mature as the investigation is still pending and the Investigating Officer will consider the findings of the earlier enquiry as well as the orders passed by learned Civil Court and Judicial Magistrate Ist Class, Ludhiana along with all the averments and the annexures attached with the present petition before preparation of the challan/final report under Section 193 of BNSS, 2023.

6. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

7. Keeping in view the aforesaid facts and circumstances, present petition is disposed of with a direction to the Investigating

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Officer to consider the findings of the earlier enquiry as well as the orders passed by learned Civil Court and Judicial Magistrate Ist Class, Ludhiana along with all the averments and the annexures attached with the present petition, before preparing the final report under Section 193 of BNSS, 2023.

8. It is clarified that in case, final report under Section 193 of BNSS, 2023, is filed against the petitioner, he would be at liberty to file afresh petition to challenge the FIR (*supra*) along with challan/final report under Section 193 of BNSS, 2023.

(HARPREET SINGH BRAR)
JUDGE

08.04.2025
yakub

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