



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

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CRM-M-53871-2025

Date of Decision : 23.09.2025

MUKESH BAGHEL

.... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

.... RESPONDENTS

CORAM:HON'BLE MR. JUSTICE SUBHAS MEHLA

Present : Ms.Neha Gupta, Advocate
for the petitioner.

SUBHAS MEHLA, J. (Oral)

1. The instant petition has been filed for quashing FIR No.351 dated 11.06.2025 registered under Sections 316(2) and 318(4) of BNS, 2023 at Police Station Camp Palwal along with all subsequent proceedings arising therefrom.

2. Learned counsel for the petitioner contended that no offence as mentioned in the FIR is made out against the present petitioner and hence, prayed for quashing the aforementioned FIR. Learned counsel further contended that there were friendly relations between the parties. Approximately 5 ½ months prior to the alleged FIR, complainant unlawfully took petitioner's credit card and made unauthorized transactions. When the petitioner confronted complainant in this regard then he returned only Rs.10,000/- and refused to return the remaining amount.

3. Notice of motion.



4. Mr. Karan Veer Singh, Sr.DAG, Haryana, accepted notice on behalf of respondent-State and submitted that there are oral as well as electronic evidence to support the allegation of the complainant qua the transfer of money through UPI transaction. Moreover, investigation is at final stage and the Investigating agency is going to file challan in this case.

5. Heard.

6. The investigation in the present matter is pending and as per contention of learned State counsel there are oral and electronic evidence against the present petitioner regarding his complicity in the present offence and investigating agency is going to file a final report after concluding its investigation. This Court finds no merit in the present petition as it is well settled that the power under Section 528 BNSS is to be exercised sparingly and cautiously. In *State of Haryana v. Bhajan Lal* [1992 Supp (1) SCC 335], the Hon'ble Supreme Court laid down illustrative categories where quashing may be justified, but cautioned that such jurisdiction cannot be exercised to stifle legitimate prosecution. Similarly, in *Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra* [(2021) 19 SCC 401], it has been reiterated that when prayer for quashing FIR is made by alleged accused and Court when it exercises power under Section 482 Cr.P.C., 1973 only has to consider whether allegations in FIR disclose commission of a cognizable offence or not, Court is not required to consider on merits whether or not merits of allegations make out cognizable offence and Court has to permit investigating agency/police to investigate allegations in FIR. While exercising power under Section 528 of BNSS, this Court cannot



adjudicate the disputed facts which can be adjudicated at an appropriate stage of trial after receiving evidence of both the parties.

6. Keeping in view the contentions of learned State counsel, this Court finds no merit in the present petition.

Dismissed.

(SUBHAS MEHLA)
JUDGE

23.09.2025

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