



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

122

CRM-M-63135-2024

Date of decision: 08.01.2025

Nana Sahib Dange

....Petitioner

V/s

State of Haryana and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Atul Yadav, Advocate,
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in the instant petition filed under Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023 is for quashing of FIR No.102 dated 04.05.2015, under Sections 420, 467, 468, 471, 120-B of the IPC, 1860, registered at Police Station Sector 18, Gurugram as well as all the consequential proceedings arising therefrom qua the present petitioner.
2. Learned counsel for the petitioner is challenging the sustainability of the allegations made against the petitioner in the FIR which has been annexed as Annexure P-1. Learned counsel has argued that a perusal of the FIR contains vague and generalized allegations, lacking any specific averments against the petitioner. It is contended that the petitioner has neither been accused of receiving any money from respondent No.2/complainant nor has any assurance been attributed to him regarding the alleged fraudulent transaction.



3. Learned counsel has further submitted that the only role ascribed to the petitioner is that he introduced respondent No.2 to the co accused while working in the same organization. It has been argued that even if the petitioner is assumed to have given an assurance regarding admission, such an act, by itself, does not amount to the commission of offence as alleged. It has been further emphasized by the learned counsel that under Section 420 of the IPC, fraudulent intent at the inception of the Act is an essential ingredient for constituting the offence of cheating; there is no evidence on record to suggest fraudulent intent on the part of the petitioner, nor has any recovery been affected from him that could corroborate the allegations.

4. I have heard and carefully considered the submissions advanced by the learned counsel for the petitioner and has thoroughly examined the contents of the FIR annexed as Annexure P-1 and the other material on record.

5. At the very outset, this Court finds that the submissions made by the learned counsel for the petitioner are, in essence, a defence to the allegations, which ought to be examined and adjudicated during the trial. The prosecution evidence is underway, and one out of 12 prosecution witnesses has already been examined.

6. It is a settled principle of law that the jurisdiction of this Court under Section 528 of the BNSS is to be exercised sparingly, with due caution and only in cases where the allegations in the FIR do not even remotely disclose the commission of a cognizable offence or where



interference is necessary to prevent the abuse of the process of law. In the present case a bare perusal of the FIR *prima facie* discloses the commission of offences under the Indian Penal Code. At this juncture interfering with the ongoing trial would be contrary to the principles of law and the due process of justice moreso when a bare perusal of the FIR *prima facie* discloses the commission of offences under the IPC.

7. The contention of the learned counsel that no recovery has been affected from the petitioner, alone cannot negate the allegations.

8. In the light of the foregoing, this Court does not deem it appropriate to interfere at this stage. Accordingly, the instant petition is hereby dismissed.

9. 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 nothing contained here and above.

January 08, 2025
poonam

(MANJARI NEHRU KAUL)
JUDGE

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