

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31581 of 2025

Arising Out of PS. Case No.-128 Year-2025 Thana- FATUA District- Patna

1. Samrat Sehgal S/O Ramesh Chander Sehgal R/O C-3/3117, Vasant Kunj, South West Delhi, Delhi 110070,, presently working as Chief Global Logistics, Dabur India Limited, Corporate Office, Sahibabad, Gaziabad, Uttar Pradesh- 2010101.
2. Dharmendra Kumar Upadhyay S/O Vinod Kumar Upadhyay R/O 63/Tower 11, Palm Olympia, Gaur City, Noida Extension, VTC, Greater Noida, P.O- Greater Noida, Distt.- Gautambudha Nagar, State- Uttar Pradesh 201308, Presently working as National Logistics Manager, Dabur India Limited, Corporate Office, Sahibabad, Gaziabad, Uttar Pradesh 2010101.
3. Gajjar Manthar @ Manthar Gajjar S/O Hitendrabhai Gajjar R/O B Surabhi Appartment, Nehurpark Vastrapur, Ahmedabad City, Manekgab, Ahmedaba, Gujrat- 380015, Presently working as Zonal Logistics Manager, Dabur India Limited, Corporate Office, Sahibabad, Gaziabad, Uttar Pradesh- 2010101.
4. Md. Sabir Afrozuddin Roshan @ Roshan Afrozuddin Sabir S/O Mdf. Sabir Hussain R/O Dr. Siddique Lane, Kanhauli Naka Road, P.S- Town Musahari, Ramna, Muzaffarpur, Bihar- 842002, presently working as Regional Logistics Executive, Dabur India Limited, Plot No. 187, Bhikhua, Ward No. 12, Bhikhua Fatuha Road, PS- Fatuha, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar Modi S/O Late Basudev Modi R/O Plot No. 187, Bhikhua, Ward No. 12, Bhikhua Fatuha Road, P.S- Fatuha, Distt.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Praveen Kumar, Advocate
For the State	:	Mr. Nityanand Tiwary, APP
For the Informant	:	Mr. Jai Vardhan Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL JUDGMENT

Date : 06-01-2026

Heard learned counsel for the petitioners, learned counsel appearing on behalf of the informant and learned counsel for the State.

2. The present application has been filed under



Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'the BNSS') seeking quashing of the F.I.R. being Fatuha P.S. Case No. 128 of 2025, registered for the offences punishable under Sections 126(2), 303(2), 352, 351(2), 316(2), 318(4) and 61 of the Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS').

3. The prosecution case, as emerging from the F.I.R., is that the informant, Sanjay Kumar Modi, Director of M/s Shivani Shreya Logistics Pvt. Ltd., entered into a Carrying and Forwarding (C&F) Agreement with Dabur India Ltd., pursuant to which his company was appointed as C&F Agent for the State of Bihar and subsequently for the State of Jharkhand after furnishing bank guarantees and making substantial investments towards godowns, manpower and logistics infrastructure. It is alleged that the informant duly discharged his contractual obligations honestly and efficiently. However, despite repeated demands, outstanding dues amounting to more than Rs. 2 crores at Patna and approximately Rs. 61 lakhs at Ranchi were not paid by Dabur India Ltd. It is further alleged that in January, 2025, on the pretext of conducting an audit, the accused persons, who are officials and representatives of Dabur India Ltd., in connivance with security personnel, forcibly entered the godown premises,



took illegal control thereof, restrained the staff of the informant from entering the premises, seized documents and records, obstructed access to official papers and deleted important data from computers. The F.I.R. further alleges that the accused persons abused, intimidated and threatened the informant and his staff with dire consequences, including threats to life, with an intention to forcibly oust the informant from C&F operations, misappropriate goods and records, and evade payment of the outstanding dues.

4. Learned counsel for the petitioners submitted that the dispute between the parties is purely contractual in nature, arising out of a C&F agreement which contains an arbitration clause, and therefore continuation of the criminal proceedings would amount to abuse of the process of law. It is contended that the F.I.R. does not disclose any criminal offence and is liable to be quashed.

5. Learned counsel appearing for the informant as well as learned counsel for the State opposed the prayer for quashing and submitted that the allegations made in the F.I.R., if taken at their face value, clearly disclose the commission of cognizable offences. It was contended that sufficient *prima facie* materials exist on record warranting investigation and



prosecution.

6. Learned counsel for the informant placed reliance upon a decision of the Hon'ble Supreme Court in the case of ***Digambar Pathak v. State of Uttar Pradesh***, wherein it has been held as under:

“ It is well settled that mere existence of an arbitration clause in the contract between the parties is not a sufficient ground for quashing the criminal proceedings if the necessary ingredients of a criminal offence are made out from the allegations and the materials collected during the course of investigation or inquiry. In such circumstances, we are of the view that the order of the High Court cannot be sustained. However, since we find that the High Court has not considered the allegations in the FIR and the materials collected during the course of investigation, the matter would have to be remitted back to the High court for fresh consideration.”

7. Having considered the submissions and upon perusal of the materials available on record, this Court finds that the allegations made in the F.I.R., when taken at their face value, *prima facie* disclose the commission of cognizable



offences against the accused persons.

8. It is well settled that the FIR is not an encyclopedia which must disclose all facts and details relating to the offence reported. Thus, at the initial stage, the Court is not required to scuttle the investigation.

9. In the aforesaid context, it would be proper to quote the principles laid down by the Hon'ble Supreme Court in the case of *M/S Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra*, reported in 2021(2) PLJR, 229 (SC), wherein Apex Court having taken into consideration various judgments enumeration the following principles of law as quoted in paragraph No.10 of the said judgment which are reproduced hereinunder :-

I. Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into cognizable offences;

ii. Courts would not thwart any investigation into the cognizable offences;

iii. However, in cases where no cognizable offence or offence of any kind is disclosed in the first information report the Court will not permit an investigation to go on;



iv The power of quashing should be exercised sparingly with circumspection, in the 'rarest of rare cases. (The rarest of rare cases standard in its application for quashing under Section 482 Cr. P.C. is not to be confused with the norm which has been formulated in the context of the death penalty, as explained previously by this Court;

v. While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;

vi. Criminal proceedings ought not to be scuttled at the initial stage;

vii. Quashing of a complaint/FIR should be an exception and a rarity than an ordinary rule;

viii. Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities. The inherent power of the court is, however, recognized to secure the ends of justice or prevent the abuse of the process by Section 482 Cr.P.C.

ix. The functions of the judiciary and the police are complementary, not overlapping;



x. Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;

xi. Extraordinary and inherent powers of the court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;

xii. The first information report is not an encyclopedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. During or after investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;

xiii. The power under Section 482



Cr.P.C. is very wide, but conferment of wide power requires the court to be cautious, It casts an onerous and more diligent duty on the court;

*xiv. However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in the cases of **R.P. Kapur** (supra) and **Bhajan Lal** (supra), has the jurisdiction to quash the FIR/complaint; and*

xv. When a prayer for quashing the FIR is made by the alleged accused, the court when it exercises the power under Section 482 Cr.P.C. only has to consider whether or not the allegations in the FIR disclose the commission of a cognizable offence and is not required to considered on merits whether the allegations make out a cognizable offence or not and the court has to permit the investigating agency/police to investigate the allegations in the FIR.

10. The present case does not fall within any of the categories enumerated by the Hon'ble Supreme Court in case of **State of Haryana v. Bhajan Lal**, reported in **1992 Supp (1) SCC 335**, warranting exercise of inherent powers to quash the criminal proceedings.



11. In view of the aforesaid legal position and having regard to the fact that the investigation is still in progress, and further considering that even as per the allegations made in the F.I.R., the involvement of the petitioner is under suspicion, this Court finds no ground to interfere in the present matter. Accordingly, the application is *dismissed*.

(Rudra Prakash Mishra, J)

Raj Kishore/-

AFR/NAFR	NAFR
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