



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

**CRM-M No.9305 of 2026
Reserved on:-01.04.2026
Pronounced on:-06.04.2026
Uploaded on:- 07.04.2026**

*Whether only operative part of the judgment is
Pronounced or the full judgment is pronounced: operative part/full judgment*

ATUL KUMAR SONI @ ATUL SONI

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present :- Mr. R.M. Sharma, Advocate
for the petitioner.

Mr. H.S. Wadhwa, DAG, Punjab.

MANDEEP PANNU, J.

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of FIR No.0026 dated 11.02.2025 registered under Section 406 IPC at Police Station City-1, Abohar, District Fazilka, along-with all consequential proceedings arising therefrom qua the petitioner.

2. Learned counsel for the petitioner submitted that the father of the petitioner, namely Sham Lal Soni, proprietor of M/s Shivani Jewellers, had earlier instituted a complaint under Section 138 of the Negotiable Instruments Act, 1881 against respondent No.2, Surinder Singh, on account of dishonour of cheque issued towards discharge of liability arising out of



purchase of gold. It is submitted that the said complaint is pending adjudication before the competent Court and respondent No.2 has been duly summoned in the said proceedings. It is, further, submitted that after having appeared in the said proceedings and after lapse of more than one year, respondent No.2, in order to create a defence and to pressurize the petitioner, concocted a false story alleging that he had allegedly taken a gold loan and had handed over gold ornaments to the petitioner, which have not been returned. It is contended that such allegations were made without any documentary proof, receipt or mortgage deed and are inherently improbable. Learned counsel, further, submitted that on the basis of the said false and belated allegations, respondent No.2 moved an application before the police on 13.02.2024 and thereafter, despite the matter remaining pending for a considerable period and no offence being made out, the present FIR No.0026 dated 11.02.2025 under Section 406 IPC came to be registered at Police Station City-1, Abohar, District Fazilka. It is argued that the registration of the present FIR is nothing but a counterblast to the earlier complaint under Section 138 of the Negotiable Instruments Act and has been lodged with *mala-fide* intention to harass the petitioner and to pressurize him in the pending proceedings.

3. Learned counsel for the petitioner has, further, placed reliance upon the judgment in “*Naurati Lal versus State of Haryana and another, 2023(3) RCR (Criminal) 267*”, to contend that where the allegations are not supported by any cogent evidence and the dispute is essentially civil in nature, continuation of criminal proceedings would amount to abuse of process of law and the FIR is liable to be quashed.



4. Matter being short in question, no notice was issued to respondent No.2.

5. However, learned State counsel, present in Court, has opposed the present petition and submitted that as per the allegations levelled in the FIR, the complainant has specifically stated that he had taken a loan by pledging gold ornaments with the petitioner and his father, who were running a jewellery shop, and despite repayment of a substantial amount, the accused persons failed to return the pledged gold ornaments. It has, further, been alleged that the accused persons misused blank signed cheques and retained the gold ornaments with dishonest intention, thereby committing criminal breach of trust. Learned State counsel submits that on the basis of these allegations, which *prima-facie* disclose commission of a cognizable offence under Section 406 IPC, the FIR in question has been rightly registered and the matter is under investigation/trial.

6. I have heard learned counsel for the parties and have gone through the record.

7. At the outset, this Court finds that the allegations as levelled in the FIR, if taken at their face value, *prima-facie* disclose the commission of a cognizable offence. The contention of the petitioner that the dispute is purely civil in nature and has been given a criminal colour, cannot be accepted at this stage, as the allegations regarding entrustment of gold ornaments and their non-return, coupled with alleged dishonest intention, require thorough examination on the basis of evidence to be led before the trial Court.

8. The reliance placed by learned counsel for the petitioner upon



the judgment in *Naurati Lal's case (supra)* is misconceived and distinguishable on facts. In the said case, the Court had found that there was no material to substantiate the allegations and the dispute was purely civil in nature. However, in the present case, specific allegations regarding entrustment and misappropriation have been levelled, which cannot be brushed aside at the threshold without a proper trial.

9. It is a settled proposition of law that at the stage of considering a petition for quashing of FIR, this Court is not required to conduct a mini trial or to meticulously examine the evidence or adjudicate upon the disputed questions of fact. The truthfulness or otherwise of the allegations, as well as the defence raised by the petitioner, are matters to be considered by the trial Court after appreciation of evidence. The inherent jurisdiction of this Court is to be exercised sparingly and with great caution. Where the FIR discloses a *prima-facie* case, the proceedings ought not to be scuttled at the initial stage. The contentions raised by the petitioner involve disputed questions of fact, which cannot be adjudicated upon in proceedings under Section 528 of BNSS.

10. In view of the above discussion, this Court does not find any ground to interfere in the present matter.

11. Accordingly, the present petition is dismissed.

12. All pending applications, if any, also stand disposed of.

(MANDEEP PANNU)
JUDGE

06.04.2026
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No