



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

CRM-M-10091-2026
Date of decision: 23.03.2026

GURDEEP SINGH RANU

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Sandeep Jain, Advocate and
 Mr. Sachin Jain, Advocate for the petitioner.
 Mr. Surinderjit Singh Nahar, AAG, Punjab.

SUBHAS MEHLA, J. (ORAL)

1. Present petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 for quashing of complaint bearing COMI
No.24 of 2023 dated 05.07.2022 titled as 'Sukhwinder Singh vs. Gurdeep
Singh' (Annexure P-4) registered under Sections 406/420 of Indian Penal
Code, 1860, Section 13 of Punjab Travel Professional Act and Section 24 of
Emigration Act (*wrongly mentioned as 'Immigration Act in the headnote as
well as prayer clause*) and impugned order dated 20.08.2025, whereby the
petitioner has been summoned to face trial under Section 420 of IPC read with
Section 406 of IPC passed by the trial Court and all subsequent proceedings
arising therefrom.

2. Briefly stated, the petitioner cheated the complainant/respondent
No.2 for an amount of Rs.14,50,000/- on the pretext of sending him abroad.

3. Learned counsel for the petitioner contended that the petitioner
and respondent No.2 were close friends and the complainant/respondent No.2
requested the petitioner to pay a sum of Rs.6,00,000/- for his necessity; the
petitioner arranged Rs.5,30,000/- to respondent No.2. Out of the said amount,



respondent No.2 returned only an amount of Rs.4,50,000/- and respondent No.2 did not pay the balance amount to the petitioner, however, he threatened petitioner to implicate him in some false case; in this regard, the petitioner filed one complaint dated 27.05.2022 (Annexure P-1) to Superintendent of Police, Nawanshahar for lodging the FIR. Respondent No.2 filed false complaint against the petitioner as a counter-blast to the complaint filed against him. Deputy Superintendent of Police concerned inquired into both the complaints and allegations made against petitioner were found to be baseless (Annexure P-3). Then respondent No.2 filed a petition under Section 156(3) Cr.P.C. before Illaqa Magistrate, who did not entertain the petition under Section 156(3) Cr.P.C. filed by respondent No.2 and summoned him to face trial in the aforesaid complaint. Learned counsel submitted that there is no evidence that the petitioner had taken any money from respondent No.2 to send him abroad and the impugned order has been passed without application of judicial mind and in violation of provisions of section 225 of BNSS, 2023. As such, learned counsel prayed for quashing of the complaint as well as the summoning order.

4. Given the nature of order this Court proposes to pass, no notice is required to be issued to respondent.

5. Heard.

6. Keeping in view the facts and circumstances of the case, this Court is of the view that the efficacious remedy is available to the petitioner to agitate all these facts in a revision petition but he did not opt the same. Moreover, there are disputed questions of facts i.e. regarding payment of complainant to petitioner which the complainant claims to have given for



sending him abroad, while the petitioner is claiming same to be the return of loan amount, which are to be adjudicated at an appropriate stage during the course of trial. Mere averments in the present petition and making of submissions in this regard before this Court, would not be sufficient to extend the benefit of this ground to the petitioner as there is no clinching material on record to support such an averment at this stage.

It is a settled position of law that while exercising the inherent jurisdiction under Section 528 of BNSS, this Court is not supposed to conduct a mini trial as the same has been observed by Hon’ble the Supreme Court in *Central Bureau of Investigation vs. Aryan Singh and others 2023(18) SCC 399* and *Dharambeer Kumar Singh vs. The State of Jharkhand and another, 2025(1) SCC 392*.

The inherent jurisdiction under Section 528 of BNSS is to be exercised sparingly and with caution only when such exercise is justified by the test specifically laid down in the section itself. It is well settled proposition of law that an appreciation of evidence is not permissible at the stage of quashing of proceedings in exercise of this power and the inherent powers so vested do not confer any arbitrary jurisdiction upon the High Court to act according to whims and caprices.

7. In view of the above, this Court finds no merit in the present petition and the same stands dismissed accordingly.

March 23, 2026
manisha

(SUBHAS MEHLA)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |