



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

**CRM-M No.19616 of 2026
Date of decision: 30.04.2026**

Shahjad Saifi and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present :- Mr. Gourav Verma, Advocate
for the petitioners.

MANDEEP PANNU, J. (Oral)

1. This is a petition under Section 482 Cr.P.C. (now Section 528 BNSS) for quashing of FIR No.611 dated 03.10.2018 (Annexure P-1), registered at Police Station Quilla Panipat, District Panipat, under Sections 323, 34, 341, 342, 365, 506, 509 IPC (Sections 384 & 195 IPC added later on) [now under Sections 115(2), 3(5), 126(2), 127(2), 140(3), 351, 79, 308, 231 of BNS, 2023], as well as the final report/charge-sheet submitted under Section 173 Cr.P.C. (Annexure P-2) and the order of framing of charges dated 14.03.2023 (Annexure P-3) passed by learned Additional Sessions Judge, Panipat, along with all subsequent proceedings arising therefrom.

2. The present FIR was registered on the basis of a complaint made by Pankul Sehgal, who alleged that on 30.09.2018, the petitioner Shahjad Saifi intercepted him near Mastana Chowk, wrongfully restrained him, assaulted him, and forcibly took him to his office at Sabji Mandi,



Panipat. It was further alleged that the petitioner, along with his co-accused, subjected the complainant to threats and coercion in relation to a monetary dispute arising out of a loan transaction, misused a blank cheque allegedly obtained from the complainant, and further intimidated him with dire consequences. On the basis of the said allegations, offences under various sections of the IPC were invoked and investigation was carried out. During investigation, statements of witnesses were recorded, site plan was prepared and further allegations under Sections 384 and 195 IPC were added. The petitioners were granted interim bail during the course of investigation. Upon completion of investigation, final report under Section 173 Cr.P.C. was presented and learned Additional Sessions Judge, Panipat, framed charges against the petitioners vide order dated 14.03.2023. Aggrieved against the registration of the FIR and subsequent proceedings arising therefrom, the petitioners have filed the present petition for quashing.

3. Learned counsel for the petitioners contends that the present FIR has been falsely lodged and is nothing but a counter-blast to the proceedings initiated by the petitioners under Section 138 of the Negotiable Instruments Act. It is argued that the complainant had borrowed a sum of Rs.50,000/- from the petitioners on interest and had issued a blank cheque towards discharge of his legally enforceable liability. Upon presentation, the said cheque was dishonoured due to insufficiency of funds, pursuant to which the petitioners initiated proceedings under Section 138 of the Negotiable Instruments Act. It is further contended that the complainant, in order to evade his liability, has falsely implicated the petitioners in the present FIR. It is further argued that the allegations levelled in the FIR,



even if taken at their face value, do not constitute the offences alleged, particularly under Sections 365 and 384 IPC. It is submitted that there is no allegation of wrongful confinement with the intent contemplated under Section 365 IPC, nor is there any material to suggest extortion as defined under Section 384 IPC. Learned counsel submits that Section 195 IPC has also been wrongly invoked in the absence of a complaint in writing as required under Section 195 Cr.P.C., thereby vitiating the proceedings. It is further contended that the dispute between the parties is purely of a civil nature arising out of a financial transaction and has been given a criminal colour. It is also argued that during investigation, co-accused Nadeem was found innocent, which casts serious doubt on the veracity of the allegations made by the complainant. Learned counsel further submits that the order of framing of charges dated 14.03.2023 has been passed in a mechanical manner without proper application of mind and without considering the legal bar under Section 195 Cr.P.C.

4. I have heard learned counsel for the petitioners and have perused the record.

5. The contentions raised by the petitioners, including the plea that the FIR is a counter-blast to the proceedings under Section 138 of the Negotiable Instruments Act, the nature of the transaction between the parties, the circumstances under which the cheque was issued, and whether the allegations of wrongful restraint, abduction, assault, criminal intimidation, and extortion are made out or not, are all disputed questions of fact which require appreciation of evidence. Similarly, the plea regarding absence of ingredients of Sections 365 and 384 IPC, as well as the applicability of



Section 195 Cr.P.C., would necessitate examination of the factual matrix, statements of witnesses, and material collected during investigation, which can only be adjudicated upon during the course of trial.

6. At this stage, this Court, while exercising its inherent jurisdiction under Section 482 Cr.P.C., cannot embark upon a meticulous examination of evidence or conduct a mini trial to determine the truthfulness or otherwise of the allegations. The scope of interference is limited and is to be exercised sparingly, only in cases where the allegations do not disclose any offence or where the proceedings are manifestly attended with *mala-fide* and are an abuse of the process of law. The present case does not fall within such parameters.

7. Accordingly, finding no merit in the present petition, the same is hereby dismissed. However, the petitioners are at liberty to raise all the aforesaid pleas before learned Trial Court at the appropriate stage in accordance with law.

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

(MANDEEP PANNU)
JUDGE

30.04.2026
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No