HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 47253 of 2025

Vinod Kumar And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Vinay Kumar Singh
Counsel for Opposite Party(s)	:	G.A., Vinay Kumar Singh

Court No. - 79

HON'BLE MADAN PAL SINGH, J.

1. Heard Mr. Vinay Kumar Singh, learned counsel for the applicants, Mr. R.K. Srivastava, learned AGA for the State, Mr. Vinay Kumar Singh, learned counsel for the opposite party no.2 and records perused.

2. The instant petition has been preferred with prayer to quash the charge sheet dated 27.05.2019 as well as cognizance/summoning order dated 13.02.2020 including the entire proceedings of Case No.2872 of 2020 arising out of Case Crime No.16 of 2019, under Sections 406 and 506 IPC, Police Station Shivpur, District Varanasi pending in the court of Additional Chief Judicial Magistrate, Court No.7, Varanasi.

3. Prosecution story as narrated in the impugned FIR is that the opposite party no. 2 Pradeep Kumar Singh has lodged the impugned FIR alleging therein that he purchased two buses bearing Registration Nos.UP 64 H 2032 and UP-64 H-2030 for a total consideration of Rs.10 lakh from the applicants Vinod Kumar and Santosh Kumar, sons of Sarju Prasad. It is alleged that the informant paid an additional sum of Rs.50,000/- for obtaining an NOC for transferring one bus in the name of his brother, Gaurav Singh. Regarding the second bus, which was involved in a fatal accident, the informant allegedly deposited Rs.3 lakh with the accused persons towards the compensation claim proceedings. However, despite the insurance company being directed to pay compensation, the said amount was not returned. It is further alleged that on demanding the return of his money and the transfer of the vehicle, the applicant no.2 Santosh Kumar threatened him with lodging a false FIR of theft. Despite attempts at settlement, neither the money was returned nor the requisite NOC was provided, leading the informant to lodge the FIR.

4. Upon investigation, the Investigating Officer submitted a charge-sheet dated 27.05.2019 against the applicants for the aforesaid offences. The learned Additional Chief Judicial Magistrate, Court No. 6, Varanasi, thereafter passed the summoning order dated 13.02.2020, summoning the applicants to face trial. The proceedings are pending in Case No.2872 of 2020 before the Court of Additional Chief Judicial Magistrate, Court No. 7, Varanasi.

5. Learned counsel for the applicants submits that the dispute, even if the allegations made in the FIR are taken at face value, essentially arises out of a transaction relating to the sale and transfer of motor vehicles and the alleged non-refund of money. It is contended that the allegations disclose, at best, a civil dispute concerning contractual obligations and do not warrant the continuation of criminal proceedings. It is further submitted that the applicants have been falsely implicated and that the continuation of the criminal proceedings would amount to an abuse of the process of law. On these grounds, learned counsel prays that the impugned charge-sheet, summoning order and consequential proceedings be quashed.

6. Per contra, learned A.G.A. as well as learned counsel for the informant oppose the application and submit that the allegations contained in the FIR, when considered alongside the charge-sheet submitted after investigation, disclose a prima facie case requiring adjudication by the competent criminal court. It is contended that the applicants cannot seek quashing of the criminal proceedings merely by describing the underlying dispute as civil in nature, particularly when the allegations also include the alleged withholding of money and documents and a threat attributed to applicant no.2. It is, therefore, submitted that the application is liable to be dismissed.

7. Having considered the rival submissions and examined the material placed on record, this Court finds that the principal question requiring consideration is whether the criminal proceedings initiated against the applicants warrant interference in the exercise of the inherent jurisdiction of this Court under Section 528 BNSS. Section 528 BNSS preserves the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under the Sanhita, to prevent abuse of the process of any Court, or otherwise to secure the ends of justice. The said jurisdiction is extraordinary in nature and is to be exercised sparingly, with due caution and only in appropriate cases.

8. The principles governing the exercise of inherent jurisdiction for quashing criminal proceedings are well settled. In ***State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335***, the Hon'ble Supreme Court illustrated the categories of cases in which interference with criminal proceedings may be justified. The power of quashing is not intended to be exercised routinely or to substitute the High Court's assessment for the process of investigation and trial where the allegations, taken at face value, prima facie disclose the commission of an offence.

9. It is equally well settled that the mere existence of a civil dispute does not, by itself, bar the initiation or continuation of criminal proceedings. A transaction may give rise to civil consequences and, depending upon the nature of the allegations and the material collected during investigation, may also attract criminal liability. The decisive consideration is whether the allegations and the material collected disclose the essential ingredients of the offences alleged, and whether the proceedings fall within any recognised category warranting exercise of the inherent power of quashing.

10. In the present case, the prosecution allegations are not confined merely to the existence of a dispute concerning the transfer of the buses. The informant has also alleged payment of additional amounts in connection with the transfer documents, non-refund of a substantial sum deposited in relation to compensation proceedings, and a threat allegedly extended by applicant no. 2 when repayment and transfer of the vehicle were demanded.

11. At this stage, the allegations must be considered in conjunction with the charge-sheet and the material collected during investigation. The truthfulness of the informant's version, the circumstances in which the amounts were paid, the nature of the arrangement between the parties, the applicants' intention at the relevant time, and the circumstances surrounding the alleged threat are matters that may require examination on the basis of the evidence adduced before the trial court.

12. This Court is conscious that the mere non-fulfilment of a contractual obligation or failure to return money does not, in itself, constitute a criminal offence. Similarly, an allegation of dishonest intention must be assessed in the context of the ingredients of the particular offence alleged. Nevertheless, where the prosecution case, read as a whole and in conjunction with the material collected during investigation, is found to disclose a prima facie

case, the proceedings cannot be quashed solely on the ground that the underlying transaction also has civil implications.

13. The applicants have invited this Court to interfere with the criminal proceedings on the premise that the dispute is essentially civil in nature and that their prosecution would amount to an abuse of the process of law. However, at the present stage, the Court cannot undertake a detailed appreciation of disputed facts or conduct a mini-trial to determine the ultimate truth or falsity of the allegations.

14. It is also pertinent to note that the Investigating Officer, upon completion of the investigation, submitted a charge-sheet against the applicants, whereafter the competent Magistrate passed the summoning order. The mere submission of a charge-sheet or issuance of summons does not foreclose the jurisdiction of this Court; nevertheless, interference would be justified only where the applicable legal principles for quashing are satisfied on the basis of the record.

15. In the facts and circumstances of the present case, and subject to the contents of the charge-sheet and the material collected during investigation, this Court finds no sufficient ground, on the basis of the submissions advanced, to conclude that the criminal proceedings are liable to be terminated in the exercise of inherent jurisdiction. The questions raised by the applicants can appropriately be examined by the trial court in accordance with law.

16. In view of the foregoing discussion, this Court finds no sufficient ground to exercise its inherent jurisdiction under Section 528 of BNSS in favour of the applicants.

17. Accordingly, the instant application u/s 528 BNSS is **dismissed**.

October 27, 2026
Ajeet

(Madan Pal Singh,J.)

Digitally signed by :-
AJEET KUMAR PATEL
High Court of Judicature at Allahabad