

# Kapil Agarwal vs State Of Haryana And Another on 20 February, 2025

Neutral Citation No:=2025:PHHC:025149

137 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-9886-2025

Date of decision: 20.02.2025

KAPIL AGARWAL

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ziaul Mustarfa, Advocate (through V.C.)  
& Mr. Chander Mohan Rathee, Advocate  
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

\*\*\*\*

HARPREET SINGH BRAR,  
BRAR J. (ORAL)

1. Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.066 dated 06.02.2025 registered under Sections 406/420 IPC at Police Station Nissing, Karnal.

2. Learned counsel for the petitioner inter alia contends that the dispute between the parties is only on account of business transaction transactions. He submits that the petitioner was engaged in business with the complainant through brokers namely Sandeep and Vikas and they are partners since year 2021. Further, the complainant-respondent respondent No.2 is relative of these aforementioned two brokers and petitioner has conducted the business with these two aforementioned brokers to the tune of Rs.70,26,458/- during the period of 01.03.2024 01.03.202 to 18.04.2024.. It is further contended that the dispute between the parties is purely of civil nature and the petitioner has already issued a legal notice (Annexure P-2) P to broker-Sandeep Sandeep. He further contends 1 of 3 Neutral Citation No:=2025:PHHC:025149 CRM-M-9886-2025 that offences under under Sections 406/420 IPC cannot be invoked in the same transaction in view of the ratio of law laid down by the Apex Court in 'Delhi Race Club and others vs. State of Uttar Pradesh and another another' 2024(4) RCR (Criminal) 173. Learned counsel submits that the petitioner is ready and willing to supply the transaction details to respondent No.2 No.2-complainant, to recover the amount of Rs.13,00,000/- from Sandeep and Vikas. Lastly, it has been contended that respondent

No.2-complainant complainant has not disclosed the entire chain hain of events and practices in his business dealings. There are material suppressions and malicious concealments of vital facts in the FIR (supra), which clearly proves that with an oblique motive, the present civil dispute has been given a criminal colour colour and at the most, it is a case of breach of contract arising out of business transactions transaction between the parties. Furthermore, there is an inordinate delay of 7 to 8 months in registration of the FIR ((supra).

3. Per contra, contra learned State counsel opposes the prayer of the petitioner on the ground that the present petition is pre pre-mature at this stage.

The FIR (supra)) was registered only on 06.02.2025. The probable defence of the petitioner cannot be looked into at this stage and the investigating agency cannot be suffocated at the threshold by exercising power under Section 482 Cr.P.C. The intention to cheat at the very inception is writ la large and it is not a case of simple civil dispute arising out of the business transaction transactions.

4. At this stage, learned counsel for the petitioner wishes to withdraw the present petition and submits that he would be satisfied in case case, a direction be issued to the investigating agency to consider all the averments 2 of 3 Neutral Citation No:=2025:PHHC:025149 CRM-M-9886-2025 made by the petitioner in the the present petition before the preparation of the final report under Section 193 BNSS BN and seeks liberty to file a fresh petition, in case, the final report is filed against the petitioner.

5. The matter is taken up for final disposal with the consent of tthe parties. Learned State counsel, who appeared on advance notice, submits that it would be in the interest of justice, equity and fairplay if the material placed on record by the petitioner in the present petition as well as his stand is considered by the Investigating Investigating officer before filing of the final report under Section 193 BNSS.

6. Keeping in view the aforesaid facts and circumstances, the present petition is disposed of with a direction to the Investigating Officer to consider all the averments, made in the present petition before preparing a final report under Section 193 BNSS.

7. It is clarified that in case a final report under Section 193 BNSS is filed against the petitioner, the petitioner would be at liberty to file a fresh petition to challenge the FIR(supra) FI as well as such final report under Section 193 BNSS.

(HARPREET HARPREET SINGH BRAR BRAR) February 20, 2025 202 JUDGE manisha

(i) Whether speaking/reasoned Yes/No

(ii) Whether reportable Yes/No 3 of 3