



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CRM-M-2234-2024 (O&amp;M)

Date of decision: 30.04.2025

Sanjay Kumar

.....Petitioner

Versus

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Tanmoy Gupta, Advocate  
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

Mr. Alok Mittal, Advocate and  
Mr. Mukul Gupta, Advocate  
for respondent No.2.

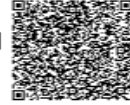
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**MANJARI NEHRU KAUL, J.**

1. The instant petition has been filed under Section 482 of the Cr.P.C. for quashing of FIR No.226 dated 18.07.2023 under Sections 120-B, 406, 420 of the IPC registered at Police Station Sector-31 Faridabad, District Faridabad and all consequential proceedings arising out of the same.

2. The instant FIR has been lodged at the instance of respondent No.2-M/s One97 Communications Limited (hereinafter referred to as 'OCL'), a leading Fintech company operating the Paytm application, against multiple individuals including the present petitioner.

3. The allegations in the FIR (Annexure P-1) are grave and elaborate. As per the complaint, the accused persons, including the



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petitioner, allegedly manipulated the “cancel payment” feature in the credit card bill payment (CCBP) facility offered on the Paytm App to fraudulently derive financial gain. Specifically, it is alleged that by exploiting the time-lag in any FT payment processing, the accused persons succeeded in receiving refunds from OCL even after their credit card payments had been settled by OCL to the concerned issuing banks, resulting in wrongful gain to the accused and corresponding wrongful loss amounting to crores of rupees to the complainant company.

4. Learned counsel for the petitioner has contended that the petitioner is innocent and has been falsely implicated. It is submitted that a single transaction dated 06.12.2022 involving a sum of Rs.27,650/-, failed and was automatically reversed. The petitioner allegedly made a direct payment to the credit card issuer the following day and later, upon learning that the complainant had processed the payment to the bank, voluntarily reimbursed the same to the complainant on 08.11.2023 through NEFT.

5. *Per contra*, learned State counsel assisted by learned counsel for respondent No.2, has emphasized that the petitioner is one among several co-accused forming part of a structured and premeditated conspiracy to defraud the complainant company. It has been asserted that there is a pattern of misuse and manipulation of digital infrastructure by the accused who are part of a syndicate, resulting in a staggering number of 315 fraudulent transactions involving 45 credit cards and causing substantial monetary loss to



OCL.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. At this stage, it is trite that the power under Section 482 of the Cr.P.C./528 of the BNSS is to be exercised sparingly and only in cases where the allegations made in the FIR, even if taken at face value and accepted in their entirety, do not disclose the commission of any offence or where the criminal proceeding is manifestly attended with *malafide* or instituted maliciously with an ulterior motive.

8. Hon'ble the Supreme Court in ***State of Haryana and others Vs. Ch. Bhajan Lal and others (1992 AIR SC 604)***, has exhaustively laid down the parameters for exercise of the inherent under Section 482 of the Cr.P.C./528 of the BNSS. The power to quash must be invoked only when the FIR fails to disclose the commission of any cognizable offence, or where the allegations are so absurd or inherently improbable that no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

9. Further in ***Niharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others : AIR 2021 Supreme Court 1918***, it has been reiterated that quashing at the threshold is not permissible merely on the premise that the defence of the accused appears plausible. At the stage of investigation, the Court is not expected to conduct a mini-trial or evaluate the probative value of the defence projected by the accused.

10. Adverting to the case at hand, the contention that the



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petitioner later reimbursed the amount in question or that the reversal was automated, constitutes a matter of defence, which would require appreciation of evidence during trial. Such assertions cannot be a ground to stifle prosecution at the inception, particularly when the FIR discloses a well orchestrated and extensive scheme of digital fraud, of which the petitioner is alleged to be a participant.

11. Additionally, the investigation is at a nascent stage and the charges are yet to be framed. At this juncture, this Court cannot accept the version of the petitioner as conclusive, nor is it permissible to determine whether he acted independently or as part of the wider conspiracy as alleged. The scope of interference at this stage is limited and does not extend to determining factual controversies.

12. In view of the foregoing and in the light of the law laid down by Hon'ble the Supreme Court, this Court is not inclined to invoke its inherent jurisdiction under Section 482 of the Cr.P.C./528 of the BNSS to quash the instant FIR. The instant petition stands dismissed accordingly.

13. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

14. Pending applications, if any, stand disposed of.

30.04.2025

Vinay

(MANJARI NEHRU KAUL)  
JUDGE

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No