



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 2667 of 2025

Kapil Chandrakant Shelke S/o Chandrakant Nivrutti Shelke Aged About 39 Years R/o Flat No. 9, Sagar Apartment, Gawade Colony, Opp. Tata Motors, Chinchawad, Pune City, District - Pune Maharashtra

... Petitioner

versus

- 1** - The State of Chhattisgarh Through Police Station - Pandri, District - Raipur Chhattisgarh
- 2** - Rounak Goyal S/o Pradeep Goyal Aged About 25 Years Proprietor - M/s. Bharat Automotive, Ground Floor, Usha Estate, Near Mova Over Bridge, P.S. - Pandri, Raipur, District - Raipur Chhattisgarh

... Respondents

(Cause-title taken from Case Information System)

Order Sheet

26.08.2025	Heard Mr. D.K. Gwalre, learned counsel for the petitioner. Also heard Mr. Sakib Ahmed, learned Panel



	Lawyer, appearing for the State/respondent No.1. Learned counsel for the petitioner submits that the entire dispute, even if taken at face value, is purely commercial in nature arising out of a dealership arrangement between the complainant and the companies concerned. The petitioner, being one of the Directors, has been falsely implicated only with a view to pressurize and convert a civil liability into criminal proceedings. It is urged that the essential ingredients of the alleged offences under Sections 120-B, 409 and 420 IPC are wholly absent. There was no dishonest or fraudulent intention on the part of the petitioner at the inception of the transaction; at best, the grievance of the complainant is of non-supply of further vehicles or delay in refund, which gives rise only to civil consequences. Mere breach of contract cannot constitute the offence of cheating or criminal breach of trust. Accordingly, it is prayed that the impugned FIR No.19/2025 dated 20.01.2025 registered at Police Station Pandri, Raipur, be quashed, in the interest of
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justice. He has placed reliance upon the orders rendered by different High Courts i.e. High Court of Andhra Pradesh in *Criminal Petition No.3836/2025 vide order dated 09.04.2025* as well as High Court of Kerala in *Crl.MC. No.4895/2025 vide order dated 05.06.2025*.

In view of the above, issue notice to the respondents by ordinary process as well as registered posts.

Learned State counsel appears and accepts notice on behalf of respondent No.1 therefore, issuance of notice to the State/respondent No.1, is dispensed with.

Issue notice to respondent No.2 by ordinary and registered post. Process fee be paid as per Rules.

Four weeks' time is granted to the learned counsel for the respondents to file their reply-affidavits and thereafter, two week's time is granted to the learned counsel for the petitioner to file rejoinder-



Anu	affidavit. List the matter thereafter. Till the next date of listing or till submission of Police Report under Section 173(2) of the Cr.P.C. (now under Section 193(3) of the BNSS), if any, before the competent Court, whichever is earlier, the arrest of the petitioner-Kapil Chandrakant Shelke, in pursuance of impugned F.I.R. bearing Crime No.19/2025 dated 20.01.2025 registered at Police Station Pandri, District Raipur (C.G.), shall remain stayed, of course subject to the restraint that the petitioner shall fully cooperate with the investigation and shall appear as and when called upon to assist in the investigation. Sd/- (Bibhu Datta Guru) Judge Sd/- (Ramesh Sinha) Chief Justice
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