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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of Decision: 20th May, 2026**
+ CRL.M.C. 7050/2023

M/S PROGRESSIVE FINLEASE LTDPetitioner

Through: Mr. Shailendra Bhatnagar, Mr.
Pradeep Kumar and Mr. Bal Krishan
Yadav, Advocates

versus

STATE NCT OF DELHI & ORS.Respondent

Through: Mr. Sunil Kumar Gautam, APP for
State/R-1 with SI Praveen, PS EOW
Mr. Vikas Gupta and Mr. Sohil
Sharma, Advocates for R-2 & R-3

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner, alleging that accused persons had committed offences under Sections 406/420/421/422/120-B IPC, prayed before the learned Trial Court for registration of FIR against them.
2. However, when the aforesaid application was taken up by the concerned Magisterial Court, it observed that allegations made by complainant, at best, revealed breach of agreement, which was purely civil in nature and had been given the criminal overtone. While dismissing the application filed under Section 156(3) Cr.P.C., learned Trial Court formed opinion as under:-

“12. Thus, in view of the aforesaid discussions, it would be a futile exercise and an abortive attempt to proceed with the present complaint and to allow the complainant to lead any pre-summoning evidence as no criminal offence even prima-facie appears to be made out in the present



case. Hence, the cognizance is hereby declined and the present complaint case stands dismissed.”

3. Feeling aggrieved, aforesaid order was taken before the Revisional Court and such Revision has also been dismissed by learned Court of Sessions on 25.07.2023. Learned Sessions Court was also of the view that no offence stood disclosed and it was a mere breach of contract.

4. Such orders are now being assailed by filing present petition under Section 482 Cr.P.C. read with Article 227 of the Constitution of India.

5. Learned counsel for respondent Nos. 2 & 3, however, submits that the allegations made before the learned Magisterial Court, in fact, did not indicate any criminality which compelled the aforesaid Courts to dismiss the application and, there is no illegality, as such.

6. Fact, however, remains that observation formed in this regard by the learned Trial Court as well as by learned Revisional Court are, evidently, bit premature as, in any case, an opportunity should have been granted to the complainant to bring on record its evidence, in order to demonstrate criminality, if any. It becomes important also for the reason that the dividing line, separating breach of contract being civil or criminal, is, generally speaking, a thin one. Therefore, even if, the application under Section 156(3) Cr.P.C. did not find favour any favour, learned Trial Court should have given an opportunity to the complainant to prove its case by leading pre-summoning evidence.

7. Learned counsel for petitioner submits that if permitted in this regard, he would not seek any further relief in the present matter.

8. Present petition is, accordingly, disposed of with direction to learned Trial Court to give an opportunity to petitioner/complainant to lead its pre-



summoning evidence and then to take further appropriate decision, in accordance with law. It is, however, made clear that this Court has not made any observation on the merits of the case and, therefore, learned Trial Court shall not feel prejudiced by any observation made hereinabove.

9. Petitioner is directed to appear before the learned Trial Court on 02.06.2026 at 10:00 AM.

10. Petition stands disposed of accordingly.

(MANOJ JAIN)
JUDGE

MAY 20, 2026/dr/sa