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Certified Copy of Order Dated... 10/3/2026

01/3/26

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN  
AT JAIPUR BENCH, JAIPUR

S.B CRIMINAL MISCELLANEOUS PETITION NO. 685/2026

1. **Mayank Kumar**, S/o Narendra Kumar aged about 43 years, working as Director, upGrad Education Pvt. Ltd. having its office at 3rd Floor CTS-796-A, Fleet Building, Vlg. MA, Opposite Marol Fire Station, Sir M.V. Road, Marol, Andheri (East), Marol Naka, Mumbai, Maharashtra, India, 400059.
2. **Rishabh Kumar**, S/o Arun Kumar Saxena aged about 30 years, previously working as Expert (G3 position) with upGrad Education Pvt. Ltd., having registered office at 3rd Floor CTS-796-A, Fleet Building, Vlg. MA, Opposite Marol Fire Station, Sir M.V. Road, Marol, Andheri (East), Marol Naka, Mumbai, Maharashtra, India, 400059 and exited the organization on 05.01.2026.
3. **Arpit Bohara**, S/o Mr. Arun Bohara aged about 31 years, working as Manager - 2, with upGrad Education Pvt. Ltd., having registered office at 3rd Floor CTS-796-A, Fleet Building, Vlg. MA, Opposite Marol Fire Station, Sir M.V. Road, Marol, Andheri (East), Marol Naka, Mumbai, Maharashtra, India, 400059.
4. **Tarun Raj**, S/o Rajiv Mishra aged about 25 years, previously working as Senior Academic Counsellor, with upGrad Education Pvt. Ltd., having registered office at 3rd Floor CTS-796-A, Fleet Building, Vlg. MA, Opposite Marol Fire Station, Sir M.V. Road, Marol, Andheri (East), Marol Naka, Mumbai, Maharashtra, India, 400059 and exited the organization on 02.07.2025.

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| राजकीय अधिवक्ता<br>कार्यालय, उच्च न्यायालय,<br>जयपुर |
| शाखा                                                 |
| क्रमांक 29                                           |
| दिनांक 27/01/26                                      |



5. **Tushal Kumar**, S/o Rajesh Kumar Jha aged about 28 years, previously working as Expert Academic Counsellor, with upGrad Education Pvt. Ltd., having registered office at 3rd Floor CTS-796-A, Fleet Building, Vlg. MA, Opposite Marol Fire Station, Sir M.V. Road, Marol, Andheri (East), Marol Naka, Mumbai, Maharashtra, India, 400059 and exited the organization on 01.05.2025.

...Petitioners/Accused

**VERSUS**

1. **State of Rajasthan** through their Public Prosecutor
2. **Tarun Kumar Sharma**, S/o Devendra Sharma aged about 41 years, resident of Sathana Bajar, Bijainagar, Vijay Nagar, Beawar, Rajasthan, India.

...Respondents/Complainants

**S.B. CRIMINAL MISCELLANEOUS PETITION UNDER SECTION 528 OF THE BHARTIYA NAGRIK SURAKSHA SANHITA, 2023 FOR QUASHING OF FIR NO. 392/2025 DATED 12.12.2025 LODGED AT PS VIJAY NAGAR, BEAWAR UNDER SECTIONS 316(2), 318(4), AND 61(2) OF THE BHARATIYA NYAYA SANHITA, 2023.**

TO:



**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous (Petition) No. 685/2026

1. Mayank Kumar, S/o Narendra Kumar, Aged About 43 Years, Working As Director, UpGrad Education Pvt. Ltd. Having Its Office At 3<sup>rd</sup> Floor CTS-796-A, Fleet Building, Vlg. MA, Opposite Marol Fire Station, Sir M.V. Road, Marol, Andheri (East), Marol Naka, Mumbai, Maharashtra, India, 400059.
2. Rishabh Kumar, S/o Arun Kumar Saxena, Aged About 30 Years, Previously Working As Expert (G3 Position) With UpGrad Education Pvt. Ltd., Having Registered Office At 3<sup>rd</sup> Floor CTS-796-A, Fleet Building, Vlg. MA, Opposite Marol Fire Station, Sir M.V. Road, Marol, Andheri (East), Marol Naka, Mumbai, Maharashtra, India, 400059 And Exited The Organization On 05.01.2026.
3. Arpit Bohara, S/o Mr. Arun Bohara, Aged About 31 Years, Working As Manager - 2, With UpGrad Education Pvt. Ltd., Having Registered Office At 3<sup>rd</sup> Floor CTS-796-A, Fleet Building, Vlg. MA, Opposite Marol Fire Station, Sir M.V. Road, Marol, Andheri (East), Marol Naka, Mumbai, Maharashtra, India, 400059.
4. Tarun Raj, S/o Rajiv Mishra, Aged About 25 Years, Previously Working As Senior Academic Counsellor, With UpGrad Education Pvt. Ltd., Having Registered Office At 3<sup>rd</sup> Floor CTS-796-A, Fleet Building, Vlg. MA, Opposite Marol Fire Station, Sir M.V. Road, Marol, Andheri (East), Marol Naka, Mumbai, Maharashtra, India, 400059 And Exited The Organization On 02.07.2025.
5. Tushal Kumar, S/o Rajesh Kumar Jha, Aged About 28 Years, Previously Working As Expert Academic Counsellor, With UpGrad Education Pvt. Ltd., Having Registered Office At 3<sup>rd</sup> Floor CTS-796-A, Fleet Building, Vlg. MA, Opposite Marol Fire Station, Sir M.V. Road, Marol, Andheri (East), Marol Naka, Mumbai, Maharashtra, India, 400059 And Exited The Organization On 01.05.2025.

-----Petitioners

Versus

1. State Of Rajasthan, Through Their Public Prosecutor
2. Tarun Kumar Sharma, S/o Devendra Sharma, Aged About



41 Years, Resident Of Sathana Bajar, Bijainagar, Vijay Nagar, Beawar, Rajasthan, India.

-----Complainant/Respondents

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For Petitioner(s) : Mr. Madhav Mitra, Sr. Adv. assisted by  
Mr. Shreyansh Mardia, Adv., and  
Ms. Jaya Mitra, Adv.  
For Respondent(s) : Ms. Arti Sharma, PP with  
Mr. Vijay Singh Yadav, PP

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**HON'BLE MR. JUSTICE ANIL KUMAR UPMAN**

**Order**

**10/03/2026**

1. Learned Senior Counsel appearing for the petitioners submits that the petitioners' Institution is a reputed, learner-centric EdTech platform, incorporated to provide technological and learner-support services to universities for the delivery of online higher education programs.

2. Learned Senior counsel submits that the complainant-respondent showed interest in one of the programs facilitated by the petitioner's institution and applied for the same. The complainant deposited the prescribed fees of Rs.5,25,000/- for the said program on 03.02.2025 and joined the program. He further submits that program commenced on 28.02.2025 and was to be completed in seven months.

3. It is submitted that respondent-complainant joined the program, but on 30.06.2025, a request was submitted through e-mail for refund, wherein he mentioned that due to unforeseen and unavoidable financial, family, and personal responsibilities, and

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current political scenario of the United States, he is no longer proceeding with the abroad plan.

4. Counsel submits that according to Clause No. 1.2 of the refund policy, no refund is permissible after the commencement of the course. Counsel submits that now the impugned FIR has been lodged, alleging that the fees deposited by the complainant were neither refunded nor was he sent to the United States. Counsel submits that further course in the Northeastern University in the United States would be available only for those candidates who complete the course with minimum 65% marks or 3 CGPA. Counsel submits that, since complainant-respondent did not complete the course, there is no question of offering him further studies in the United States.

5. Matter requires consideration.

6. Issue notice to the respondents.

7. Learned Public Prosecutor accepts notice on behalf of the respondent No.1.

8. Let notice be issued to the respondent No.2 through both the processes, returnable within eight weeks.

9. Requisites be filed within a period of two weeks.

10. Meanwhile, there shall be stay on the arrest of the petitioners in connection with FIR No.392/2025 registered at Police Station Vijay Nagar, District Beawar. However, it is made clear that petitioners shall fully co-operate with the investigation.

(ANIL KUMAR UPMAN),J

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