



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-11032-2025

Date of decision: 25.09.2025

M/S STUDIO SVELTE AND ANR.

....Petitioners

Versus

M/S BRIGHT KITCHENS

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Ankit Joshi, Advocate
for the petitioners.

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RUPINDERJIT CHAHAL, J. (ORAL)

1. Instant petition under Section 528 BNSS, 2023 has been filed for quashing of the impugned order dated 04.02.2025 (Annexure P-6) passed by learned Additional Sessions Judge, Gurugram in case bearing CIS No.CRR No.267 of 2024 titled as “*M/s Studio Svelte & Anr. vs. M/s Bright Kitchens*” whereby learned Additional Sessions Judge dismissed the revision petition filed by the petitioner and further to quash the order dated 23.05.2024 (Annexure P-4) passed by learned Judicial Magistrate Ist Class, Gurugram in criminal complaint NACT No.1617/2018 titled as “*M/s Bright Kitchens vs. M/s Studio Svelte & Anr.*” whereby application under Section 311 Cr.P.C. filed by the petitioner was dismissed.

2. Learned counsel for the petitioners inter alia contends that the respondent had filed a complaint under Section 138 of the Negotiable Instruments Act against the petitioners. He contends that it is alleged that



the petitioners had placed an order for wood almirah and modular kitchen supplies on credit between 01.04.2017 to 31.03.2018. However, the petitioner on failing to make payments, issued cheque for an amount of Rs.5,00,000/-. However, the cheque was dishonoured due to “Funds Insufficient”. A legal notice was served upon the petitioner demanding payment within 15 days but no payment was made.

3. Learned counsel for the petitioners further submits that upon notice, evidence were led by both the parties. During the pendency of the complaint, the petitioner filed application under Section 311 Cr.P.C. for examination of two witnesses as testimonies of both were essential for proper adjudication. The copy of the application is appended as Annexure P-2. The respondents filed a reply raising preliminary objections and also replied on merits. The copy of the reply is Annexure P-3.

4. He further contends that learned Judicial Magistrate Ist Class, Gurugram dismissed the petitioner’s application without properly appreciating the facts and law. Aggrieved by the said order, the petitioners filed a criminal revision before the Additional Sessions Judge, Gurugram which was also dismissed as not maintainable.

5. At this juncture, after arguing for some time, learned counsel for the petitioners restricts his prayer that two effective opportunities be given to the petitioner to complete the examination of two witnesses.

6. Heard.

7. The principles of natural justice are integral part of fair trial under Article 21 of the Constitution. Nobody should be stopped from adducing the best evidence that would be necessary for deciding the

controversy effectively and any such denial to the accused in proving his defence would amount to denial of free and fair trial.

8. Without delving into the merits of the present petition and in view of the limited prayer made by the petitioner, the learned Trial Court is directed to afford the petitioner two effective opportunities to conclude examination of two witnesses as per his prayer made in the application Annexure P-2, at own responsibility.

9. The petition is disposed of in above said terms.

25.09.2025
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(RUPINDERJIT CHAHAL)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |