

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

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CRM-M-25176-2025 (O&M)
Decided on : 02.07.2025

M/s Pebble Downtown India Pvt. Ltd. and Ors. . . . Petitioner(s)

Versus

State of Haryana and Ors. . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Karan Kaushal, Advocate
for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Nissim Aggarwal, Advocate
for respondents No.5, 6 & 7.

SANJAY VASHISTH, J. (Oral)

1. On 14.05.2025, following order was passed:-

*“Present: Mr. R.S. Rai, Sr. Advocate with
Ms. Rubina Vermani, Advocate
for the petitioners.

I) Present petition has been filed under Section 528 of BNSS, seeking quashing of the order dated 08.04.2025, passed in COMI 178 of 2025(P-1) alongwith complaint under Section 175(3) filed on 08.04.2025(P-2).

Mr. R.S. Rai, learned Senior Counsel for the petitioner, fairly submits that although no adverse order has been passed against the petitioner as of now, there is a genuine apprehension of repeated summons by the police, resulting in unnecessary harassment. Hence, the present petition has been filed.

ii) The primary contention of the learned Senior Counsel for the petitioner is that the matter in question is purely a commercial and civil dispute. On three prior occasions, similar complaints, though filed by different complainants were lodged, raising identical allegations. In each complaint, the concerned Magistrate called for an Action Taken Report (hereinafter referred to as ‘ATR’) and thereupon, it was observed in specific that the dispute appeared to be of a civil and commercial nature, with no criminality involved. Consequently, the applications filed under Section 175(3) of the BNSS were dismissed, with the finding that the

matter was not fit for invoking the said provision.

In support of this submission, counsel refers to the order dated 21.08.2024 (Annexure P-18), passed by the learned Additional Chief Judicial Magistrate, Faridabad. He further submits that there are other similar judicial orders passed by the concerned Magistrate, which, however, have not been placed on the record in the present petition.

Now, a fourth complaint has also been filed, rather been got instituted, through a different complainant, who infact is a purported buyer of original complainant (respondent No. 5 herein). Again, the Court has called for ATR fourth time. Counsel contends that such repetitive complaints amount to undue harassment to the business community and rather constitute an act of misusing of the judicial process, which ought not to be permitted.

(iii) Adjourned to 27.05.2025.

(iv) The concerned Magistrate shall pass an order in accordance with law after receiving the ATR, as directed in the order dated 08.04.2025. It is clarified that any such order shall not be influenced by the pendency of the present petition or any observations made by this Court, as nothing such has been observed by this Court.

(v) A copy of this order shall be forwarded to the Court of the District and Sessions Judge, Faridabad, for further transmission to the concerned Magistrate.”

2. At the very outset, Court is informed by learned counsel for the petitioners that the application under Section 175(3) of the BNSS, 2023, has already been dismissed by the Court of the Magistrate. Thus, present writ petition has been rendered infructuous and may be disposed of accordingly.

3. On the basis of statement made by counsel for the petitioners, present petition is disposed of as infructuous.

**(SANJAY VASHISTH)
JUDGE**

July 02, 2025

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No