



**142 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-53270-2025
Date of decision: 22.09.2025**

NASIM KHAN ALIAS NASIM AND ANOTHER

...PETITIONERS

V/S

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Sarfaraj Anjum Mor, Advocate
for the petitioners.

SUBHAS MEHLA, J. (ORAL)

1. Present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of notices under Section 35 of Bharatiya Nyaya Sanhita, 2023 dated 19.08.2025, 20.08.2025 (Annexures P-4 to P-7 respectively), whereby petitioners have been summoned to appear before respondent No.6 in case bearing FIR No.1535 dated 07.08.2025 registered under Sections 21(1), 21(4)(A) and 303(2) of Mines and Minerals (Development and Regulation) Act, 1957 at Police Station PSEnB Nuh, District Nuh (Mewat) (Annexure P-3).

2. Learned counsel for the petitioners contended that notices were issued to the petitioners in a complaint regarding illegal mining of soil from the *Panchayat's* land, whereby, it was alleged that JCB bearing registration No.MH-41-BH-0987 stands registered in the name of petitioner No.2. However, the same has already been sold by him and he was not even in possession or ownership of the said JCB machine on the relevant dates.



3. Mr. Karan Veer Singh, Senior DAG, Haryana, who is present in the Court, puts in appearance on behalf of respondent-State and opposed the prayer made by the petitioners on the ground that investigation is at nascent stage and if the petitioners were summoned only to join investigation and to explain their position and if they would be aggrieved by the investigation agency, they may avail the appropriate legal remedy, before the appropriate forum.

4. Heard.

5. In the case in hand, the petitioners have approached this Court under Section 528 of BNSS (*erstwhile 482 of Cr.P.C.*) for quashing of notices under Section 35 of BNSS. The inherent jurisdiction, though wide and expansive, has to be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests specifically laid down in the section itself, that is, to make orders as may be necessary to give effect to any order under the Code, to prevent the abuse of the process of any Court or to otherwise secure the ends of justice.

6. After hearing learned counsel for the petitioners and perusal of record available before this Court, this Court finds no merit in the present petition. Hence, the present petition stands disposed of with liberty to the petitioners to avail legal remedy as available to them in accordance with law.

September 22, 2025
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(SUBHAS MEHLA)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No