



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

123

CRM-M-55001-2025(O&M)

Date of Decision: 29.09.2025

M/S OM ENTERPRISES AND ANOTHER**....Petitioners**

Versus

STATE OF PUNJAB AND OTHERS**....Respondents****CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present:- Mr. Alok Mittal, Advocate for the petitioners.

Mr. Ravinder Singh, DAG Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of the order dated 01.09.2025 (Annexure P-15) passed by the Court of the Ld. Additional Chief Judicial Magistrate, Ludhiana passed in complaint bearing No.CRM/3949/2025 titled as '*Gurtej Singh Grewal vs. State of Punjab*' whereby the application filed by respondent No.3 has been erroneously allowed in an illegal and arbitrary manner.

2. Mr. Abhishek Khullar, Advocate has put in appearance on behalf of the complainant and has filed his memorandum of appearance in Court, which is taken on record.

3. Learned counsel for the petitioner has submitted that the petitioner firm is engaged in buying and selling building materials like MS beams, pipes, and plates. They conducted business with respondent no. 3, M/s. Theindogrid Infra Pvt. Ltd., located in Gujarat. During their dealings, several running bills were issued, including Purchase Order (Annexure P-1)



and Invoice/Bill No. 573/2024-25 dated 05.01.2025 (Annexure P-2). A ledger statement covering transactions from 01.04.2024 to 23.09.2025 is also attached (Annexure P-3). He submits that respondent no. 3 had been making partial payments against these bills. However, two cheques issued by him bearing No. 019285 dated 01.04.2025 and Cheque No. 019300 dated 28.04.2025 were returned unpaid by Axis Bank with a “Payment Stop” order (Annexures P-4 to P-7). He further submits that when the petitioner confronted respondent no. 3, he admitted the mistake and issued another cheque No. 019287 dated 05.08.2025 for Rs. 31,31,149/-, which was successfully encashed on the same day (Annexures P-8 and P-9). Despite this, respondent no. 3, with ill intention, filed a false complaint with Cyber Crime Police, Ludhiana, claiming that this amount was fraudulently transferred and demanded a refund (Annexure P-10). He further submits that the petitioner became aware of this only when their bank (HDFC) placed a lien/seizure of Rs. 31,31,149/- on their account due to the complaint (Annexure P-11). The petitioner then filed an application (CRM-3935/2025 dated 26.08.2025) before the Ld. ACJM, Ludhiana, seeking release of the seized funds (Annexure P-12). He further submits that the SHO initially did not file a report, leading to several adjournments. Respondent no.3 later filed a reply on 23.09.2025, and the matter remains pending for further hearing (Annexures P-13 and P-14). He further submits that respondent Nos. 2 and 3 acted with malice and collusion as is evident from the fact that respondent no. 3 filed an application (CRM-3949/2025 dated 27.08.2025) the very next day of petitioner’s moving application that too without making the petitioner a party, to refund the seized amount into his account. The learned ACJM allowed the said application on 01.09.2025 (Annexure P-15) without hearing



the petitioner.

4. After arguing for some time, learned counsel for the petitioner restricts his prayer to the effect that the matter be remanded back and decided afresh after giving a fair opportunity of hearing to the petitioner.

5. Learned counsel for respondent No. 3 has opposed the petition as well as the prayer to remand the matter and submitted that the impugned order was passed after duly recording the statement of the Investigating Officer.

6. In view of the limited prayer made by learned counsel for the petitioner and in the interest of justice, without delving into the merits of the matter, the impugned order dated 01.09.2025 (Annexure P-15) is set aside and the matter is remanded back to the learned ACJM to decide it afresh as per law, after giving due opportunity of hearing to the petitioner as well.

7. In view of the above, the present petition is disposed of accordingly.

29.09.2025

Mohit Bishnoi

(RUPINDERJIT CHAHAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No