

2026:PHHC:034680



132

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

CRWP-2015-2026

Lathesh Sanjeeva Kumble

....Petitioner

versus

State of Haryana and others

....Respondents

Date of Decision: March 06, 2026

Date of Uploading: March 07, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Amandeep Singh Jawandha, Advocate for the petitioner.

SUMEET GOEL, J. (Oral)

Present second petition has been filed under Article 226 of the Constitution of India seeking issuance of necessary/ appropriate/ requisite directions for protection of life and liberty of the petitioner as he is being harassed by respondents No.6 to 9 and also threatening to eliminate the petitioner and his family members.

2. The case as set up by the petitioner in the instant petition is as follows:

2.1. The petitioner and private respondents No.6 to 9 entered into an agreement for the purpose of making an investment in the company of private respondents No.6 to 8, namely M/s Shri Lap Multiverse Pvt. Ltd. The petitioner was informed by respondent No.6 that the said company possessed a bank guarantee of Rs.500 Crores with the Central Bank of India,

Surat. The petitioner had clearly stated that his firm would charge an initial amount of Rs.2 Crores as consultancy fee for facilitating the proposed investment. In order to verify the authenticity and credentials of respondent No.6 and his company, the petitioner engaged a professional team to conduct due diligence and provide guidance before proceeding with any investment in M/s Shri Lap Multiverse Pvt. Ltd. During the course of such verification, the petitioner came to know that the bank account of the said company had been declared as a Non-Performing Asset (NPA), which caused serious concern to the petitioner. The petitioner immediately brought this fact to the notice of respondent No.6, who assured him that the issue would soon be resolved. Prior to entering into the financial arrangement in January 2023, the officials of M/s Shri Lap Multiverse Pvt. Ltd. asked the petitioner to sign an agreement to facilitate their financial dealings and avoid certain tax liabilities. The petitioner initially expressed his reluctance to sign the said document; however, he was persuaded by respondent No.6 that it was merely a procedural formality required for their financial transactions. Under such circumstances, the petitioner was compelled to sign certain blank papers/documents, which the respondents may now be misusing against him.

3. Learned counsel has argued that instead of doing business fairly with the petitioner, the private respondents started demanding money from the petitioner in the name of investment in M/s Shri Lap Multiverse Pvt. Ltd., but when petitioner did not acceded to their unjustified demand, they openly started threatening/ beating the petitioner. The petitioner is being harassed/ threatened time and again at the hands of respondents No.6 to 9 and he had also filed one complaint in the Police Station Civil Lines, Sector

15, Gurgaon, on 05.06.2025, upon which, respondent No.5 had issued a notice to the private respondents, but except that no action has been taken against the said culprits. Learned counsel has argued that earlier the petitioner had approached this Court, by way of a petition bearing CRWP-10098-2025, which was disposed of, vide order dated 17.09.2025 (Annexure P-4) with a direction to respondent No.3 to decide the representation of the petitioner by passing a speaking order. It was further directed to provide requisite safety and security to protect life and liberty of the petitioner, if required.

3.1. Learned counsel has further argued that after coming to know about the disposal of aforesaid criminal writ petition, a false FIR No.11210015250116 dated 07.08.2025, was got registered against the petitioner in the State of Gujarat. The petitioner approached this Court by filing a transit anticipatory bail petition, i.e., CRM-M-54167-2025, which was disposed of, vide order dated 29.09.2025 (Annexure P-6), while according concession of transit anticipatory bail in the aforesaid FIR, so as to enable the petitioner to approach competent Courts in Gujarat in connect with the aforesaid FIR.

3.2. Learned counsel has also argued that even after disposal of CRWP-10098-2025, no action was taken on the representation dated 09.09.2025 of the petitioner. The petitioner was attacked by the goons at the behest of the private respondents. Since the directions of this Court, passed in CRWP-10098-2025, were not complied with, the petitioner had filed COCP-6093-2025, in which notice of motion was issued, vide order dated 11.12.2025. Learned counsel has argued that after filing of said contempt

petition, respondent No.3 passed a speaking order dated 27.10.2025 (Annexure P-10). Learned counsel has submitted that when the petitioner plainly told Investigating Officer that he is being attacked at the behest of respondents No.6 to 9, an FIR No.537 dated 28.11.2025 (Annexure P-11) came to be registered against some unknown persons.

3.3. Learned counsel has submitted that the petitioner and his friend were badly beaten up by the goons, on 05.12.2025, in Gurugram at Delhi-Jaipur National Highway, while threatening the petitioner to sort out the matter with respondent No.6. The petitioner again made a detailed representation/ complaint dated 12.12.2025 (Annexure P-15) to respondents No.3 and 4. The petitioner had also approached this Court by way of CRM-M-3586-2026 seeking issuance of directions to official respondents for conducting free and fair investigation by constituting SIT. The petitioner had also made a representation dated 10.02.2026 (Annexure P-17) to the official respondents for providing security personnel for protection of life and liberty of the petitioner and his family.

3.4. Learned counsel has argued that, thus, the fundamental right of the petitioner to life and liberty stands gravely endangered which necessitated the petitioner to approach this Court.

3.5. According to learned counsel, the actions of the private respondents amount to a clear violation of Article 21 of the Constitution, which guarantees the right to life and personal liberty. The petitioner is facing a real and imminent threat to his safety due to continuous harassment and open threats at the hands of the private respondent(s). Furthermore, the petitioner has no other effective, speedy or statutory remedy available and is

therefore, constrained to approach this Court by way of the instant writ petition seeking protection of his fundamental rights.

4. I have heard learned counsel for the petitioner and have perused the paper-book.

5. The present petition has been preferred under Article 226 of the Constitution of India, invoking the extraordinary writ jurisdiction of this Court. The prime prayer made in the petition is that private respondents No.4 to 6, in collusion with each other, have been threatening the petitioner to invest in the company i.e., M/s Shri Lap Multiverse Private Ltd., which has already been declared as NPA, and are unlawfully interfering in the life of the petitioner further endangering his liberty and well being. Furthermore, the petitioner (*herein*) who claims that the private respondent(s) have extended threats to him and forcibly exerting pressure on him to invest in the aforesaid company, has chosen to invoke the inherent jurisdiction of this Court under Article 226 of the Constitution of India without even referring to any material which substantiate the averments so advanced. Earlier also, the petitioner had approached this Court, by way of CRWP-10098-2025, which came to be disposed of vide order dated 17.09.2025 (Annexure P-4) and pursuant thereto, concededly, respondent No.3 has passed speaking order dated 27.10.2025.

As regards protection of life and liberty of the petitioner, no such accentuating facts/circumstances have been brought forward by the petitioner which may warrant interference by this Court under Article 226 of the Constitution of India. It is, thus, indubitable that said apprehension expressed on behalf of the petitioner is nothing but a bald assertion. Mere

bald and unsubstantiated averments, devoid of cogent material, do not confer upon the petitioner an entitlement to invoke the extraordinary writ jurisdiction of this Court. The invocation of writ jurisdiction must be predicated upon demonstrable facts and credible material that *prima facie* establish a legal right & its infringement. Absent such foundational substance, the petition is rendered speculative. The writ Court, being a Court of equity & discretion, is not to be moved on the basis of vague, hollow assertions bereft of probative value.

6. The petitioner has averred to have moved various representation(s), whereof no action alleged to have been taken by the concerned authority. In case, the petitioner is aggrieved by commission of any offence against him, the same can be efficaciously redressed by approaching the competent Magistrate having jurisdiction in the matter. It would be apposite to refer herein to a judgment of this Court passed in ***CRM-M-34678-2024*** titled as ***AXXXX vs. vs. State of Punjab and others,*** decided on 31.07.2024; relevant whereof reads as under:

“11. As a sequel to above rumination, the following postulates of law emerge:

I. An Illaqa/Jurisdictional Magistrate has; by virtue of Sections 173 and 175 of BNSS, 2023; the necessary powers and jurisdiction to grant plea(s) for issuance of direction(s) for registration of an FIR, monitoring of investigation in an FIR, change of investigating officer and prayer(s) of alike nature.

II. Ordinarily, an applicant/complainant ought to approach, in the first instance, the Court of Illaqa/Jurisdictional Magistrate to seek prayer(s) for issuance of direction(s) for registration of an FIR, monitoring of investigation in an FIR as also other prayers of akin nature.

III. In a given case, if the facts/circumstances so warrant, the High Court is well within its jurisdiction to entertain and consider plea(s) seeking registration of an FIR, monitoring of investigation in an FIR, constituting an SIT (Special Investigating Team), change of investigating officer & all such prayer(s) of such kind and nature. However, it would be prudent that an applicant/complainant, while seeking to invoke the jurisdiction of a High Court under Section 528 of BNSS, 2023 in the first instance seeking prayer(s) of above nature, shows sufficient cause for not having approached the Illaqa/Jurisdictional Magistrate in the first instance.

IV. A High Court, in its inherent jurisdiction under Section 528 of BNSS, 2023 has unbridled, unfettered and plenary powers. The only restriction on exercise of such powers is self-restraint. No inflexible and comprehensive guidelines can conceivably be enumerated governing the exercise of these intrinsic powers by a High Court under Section 528 of BNSS, 2023. There is no gainsaying that the nature, mode and extent of such exercise of powers by a High Court under Section 528 of BNSS, 2023 shall depend upon the judicial discretion exercised by a High Court in the facts and circumstances of a given case.”

6.1. It is a well-entrenched tenet of the Constitutional jurisprudence that the extraordinary jurisdiction under Article 226 is not to be lightly or casually invoked, nor is it to be treated as an alternative forum to bypass established legal channels. The writ jurisdiction, though wide & potent in its sweep, is circumscribed by certain self-imposed limitations rooted in prudence. Where a statutory mechanism is available, which is not only efficacious but also adequate in addressing the alleged grievance, the High Court, in exercise of its writ jurisdiction, must exhibit judicial restraint. The writ Court is not to be converted into a Court of first instance for adjudication of disputes for which an efficacious statutory framework exist. A profitable reference in this regard can be made to the dicta passed by a Constitutional Bench of the Hon’ble Supreme Court in the case of ***Union of India vs. T.R. Verma, 1957 AIR Supreme Court 882***, relevant whereof reads thus:

*“..... It is well-settled that when an alternative and equally efficacious remedy is open to a litigant, he should be required to pursue that remedy and not invoke the special jurisdiction of the High Court to issue a prerogative writ. It is true that the existence of another remedy does not affect the jurisdiction of the court to issue a writ: but, as observed by this court in ***Rashid Ahmed v. Municipal Board, Kairana, (1950) S.C.R. 566***, “the existence of an adequate legal remedy is a thing to be taken into consideration in the matter of granting writs”. Vide also ***K.S. Rashid & Son v. The Income-tax Investigation Commission, (1954 S.C.R. 738, 747***. And where such remedy exists, it will be a sound exercise of discretion to refuse to interfere in a petition under Article 226, unless there are good grounds therefore.”*

The principle of self-restraint, which this Court ordinarily observes in matters where an alternative remedy is available, acquires profound relevance & weight when such alternative remedy partakes a judicial character. In such instances, the jurisdiction of this Court ought to be exercised with circumspection, *lest* it transgress the bounds of judicial discipline. To entertain a matter in the absence of the exhaustion of an equally efficacious & statutorily prescribed remedy before competent jurisdictional Magistrate would not only amount to an impropriety in the exercise of writ jurisdiction but would also constitute a departure from the salutary principle of subsidiarity that undergirds the statutory scheme. It is neither consistent with the hierarchy of remedies nor constant with the orderly administration of justice for this Court to interlude prematurely, thereby rendering the legislative architecture otiose and undermining the forum expressly designated for such redressal.

7. Accordingly, this Court does not find the present case a fit one for exercise of its jurisdiction under Article 226 of the Constitution of India. The instant petition filed under Article 226 of the Constitution of India stands **dismissed**.

8. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

March 06, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No