



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

**Criminal Miscellaneous No.M-50401 of 2025 (O & M)**

**Reserved on: September 26, 2025**

**Date of Decision: October 1, 2025**

Seema Rani & another

..... PETITIONER(S)

*VERSUS*

State of Haryana & others

..... RESPONDENT(S)

**CORAM:**      **HON'BLE MR. JUSTICE SUBHAS MEHLA**

**PRESENT:** - Mr. Saurabh Bajaj, Advocate, for the petitioners.

Mr. Aditya Pal Singla, Assistant Advocate General,  
Haryana.

**SUBHAS MEHLA, J**

Through the present petition, petitioner has challenged of order dated 11.07.2024 (Annexure P-8) passed by District Magistrate, Karnal in the application filed by the respondent-Bank under Section 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'SARFAESI'), in violation of the statutory provisions and violates the principles of natural justice and equity as no notice was given to the petitioners before passing the impugned order.

2.                    The present petition was fixed on the point of maintainability.
3.                    Learned counsel for the petitioner contended that while passing the impugned order no opportunity of hearing was given to the petitioner, therefore, the said order may be quashed.
4.                    The impugned order has been passed by the District Magistrate while exercising powers under Section 14 of the SARFAESI Act. The appropriate remedy before the petitioner was to file an appeal before Debts



CRM-M-50401-2025

[2]

Recovery Tribunal (DRT) under Section 17 of SARFAESI Act. But instead of approaching the DRT, the petitioner has filed the present before this Court invoking the jurisdiction under Section 528 of BNSS (erstwhile Section 482 Cr.P.C.) which is not maintainable.

5. The Hon'ble Supreme Court in **M/s. Phoenix Arc Private Limited v. Ganesh Murthy & another**, SLP(L) No.22093 of 2022, decided on 06.07.2023, has observed that Magistrate's order under Section 14 of the SARFAESI Act, 2002 cannot be quashed by the High Court in exercise of its power under Section 482 of Cr.P.C. when there is remedy under the Act *ibid*. The relevant part of the judgment reads thus:

“.....The contention put forth in the instant petition is that a petition filed under Section 482 of the Criminal Procedure Code (Cr.P.C.) to quash an order passed under the provisions of the SARFAESI Act was not sustainable. We note that the said contention has sufficient force as any remedy against such order can be availed only under the SARFAESI Act, 2002.”

6. Keeping in view all the aspects of the matter, this Court finds no reason to go into the details of the impugned order in the instant case since the petitioners can, in any event, avail their legal remedies in accordance with law. Thus, impugned order passed by the District Magistrate, Karnal does not call for any interference and the petition stands dismissed.

7. Pending application(s), if any, also stands disposed of.

**(SUBHAS MEHLA)**  
**JUDGE**

**October 1, 2025**

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Whether Speaking/ Reasoned:  
Whether Reportable:

Yes/ No  
Yes/ No