



139 **IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-48579-2025

Date of decision: 01.09.2025

Rajesh Sahni and others

....Petitioners

Versus

Ranju Malhotra

....Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Sushil Saini, Advocate
for the petitioners.

SUBHAS MEHLA, J (Oral):

1. Petitioners have filed petition under Section 528 of BNSS, 2023 for quashing the complaint case No.COMI/40/2025 dated 23.05.2025, under Section 223 of BNSS, 2023 read with Section 318, 320 and 61 of BNS, 2023, titled as “Ranju Malhotra Vs. Rajesh Sahni and others” (Annexure P-1) pending in the Court of Judicial Magistrate 1st Class Kharar District SAS, Nagar, Mohali.

2. Learned counsel for the petitioners contended that the continuance of the impugned complaint is wholly abuse of process of law. The matter is purely of civil nature and that the Magistrate cannot take cognizance based on a complaint following the procedure laid down in Section 223(1) of BNSS.

3. Heard.

4. Perusal of the zimni orders dated 23.05.2025, 27.05.2025 and 29.05.2025 (Annexures P-2 to P-4) shows that a pre-cognizance notice was issued to the petitioners but despite putting their appearance before the trial Court concerned the petitioners preferred to file present petition, as an



opportunity of hearing is afforded to the petitioners to put their explanation before taking the cognizance on the complaint. This Court finds no merits in this petition and same is accordingly dismissed.

(SUBHAS MEHLA)
JUDGE

01.09.2025

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |