



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

129

**CRM-M No.12096 of 2025
Date of Decision: 04.03.2025**

Balwinder Kapoor

..... Petitioner

Versus

Naina

..... Respondent

CORAM: HON'BLE MR. JUSTICE H. S. GREWAL

Present Mr. Mohit Vashishat, Advocate (Through VC)
for the petitioner.

H. S. GREWAL, J.

The present petition has been filed under section 528 Bharatiya Nagarik Suraksha Sanhita (BNSS) for quashing of order dated 03.02.2025 whereby an application under Section 311 Cr.P.C. for recalling the complainant in Complaint No.COMA/10780/2021 dated 03.07.2021 has been dismissed by the learned Judicial Magistrate Ist Class.

2. Learned counsel for the petitioner contends that the petitioner is facing proceedings under Section 138 of Negotiable Instruments Act, 1881 wherein he has filed an application under Section 311 Cr.P.C. for recalling the complainant for further cross-examination in the civil proceedings which were initiated by the complainant and was later withdrawn by the complainant herself. In order to cross examine the complainant on the factum of civil suit, an application under Section 311 Cr.P.C. filed by the petitioner, was declined by the trial Court concerned.



3. Given the submissions made by learned counsel for the petitioner, the present petition is allowed to the extent that the complainant is allowed to be re-cross examined on the factum of civil suit in the application filed under Section 311 Cr.P.C. for one date which shall be fixed by the trial Court concerned wherein the Court concerned shall conclude the cross examination the very same day, subject to deposit of cost of Rs.10,000/- by the petitioner, to be paid to the complainant. It is made clear that no further adjournment shall be granted to the petitioner for re-cross examination of the complainant before the trial Court.

(H.S. GREWAL)
JUDGE

04.03.2025
Sonia Puri

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>