

2025:PHHC:050004



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

**CRM-M-18642-2025
DECIDED ON: 04.04.2025**

SACHITA NAND

.....PETITIONER

VERSUS

M/S KANAHYA INDUSTRIES THR. ITS PROPRIETOR AND ANR.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Munish Dev Sharma, Advocate
for the petitioner.

SANDEEP MOUDGIL. J.

1. The jurisdiction of this Court under Section 528 of BNSS, 2023 has been invoked seeking setting aside of the impugned order 10.03.2025 (Annexure P-2) passed by Sub Divisional Judicial Magistrate, Derabassi vide which an application filed by the petitioner-complainant to lead additional evidence has been dismissed.

2. Learned counsel for the petitioner has submitted that certain *zimni* orders dated 05.11.2015, 07.04.2016, 10.05.2010, 07.12.2015, 01.06.2016, 19.07.2016, 04.10.2016, 30.11.2016, 10.01.2011, 14.03.2017, 30.06.2016, 10.10.2017, 14.03.2017, 30.06.2017, 09.01.2018, and 21.04.2018, passed in Civil Suit No. 63 of 2014 titled *M/s Kanihya Industries vs. M/s Purety Forms and Others*, pending before the Hon'ble High Court of Himachal Pradesh at Shimla, are essential for the just and proper adjudication of the matter in hand.

3. It is further contended that the aforementioned *zimni* orders could not be produced before the learned Trial Court. The said orders are material and relevant, as they reflect the factual background in which the matter was eventually compromised between the parties. The case was referred to the Mediation Centre, and pursuant thereto, the accused handed over the cheque in question to the complainant and settled all outstanding disputes. However, despite having done so, the accused has deliberately and intentionally failed to withdraw the proceedings, causing prejudice to the petitioner.

4. Moreover, it has been pointed out that while the respondents have already placed on record a copy of the Civil Suit No. 63 of 2014, the copies of the aforementioned *zimni* orders were not annexed with the judicial record.

5. Heard learned counsel for the petitioner at length.

6. A perusal of the record reveals that the present petition has been filed by the petitioner-complainant seeking permission to lead additional evidence in order to prove certain *zimni* orders passed in Civil Suit No. 63 of 2014, dated 05.11.2015, 07.04.2016, 10.05.2016, 07.12.2015, 01.06.2016, 19.07.2016, 04.10.2016, 30.11.2016, 10.01.2017, 14.03.2017, 30.06.2016, 10.10.2017, 14.03.2017, 30.06.2017, 09.01.2018, and 21.04.2018.

7. Further perusal shows that an earlier application under Section 311 Cr.P.C. had already been moved by the learned counsel for the complainant for proving the same *zimni* orders, which was dismissed on 19.02.2025. Once the said application has been dismissed, no fresh ground is made out to file a second application seeking to prove the same facts.

8. Moreover, it is evident that the petitioner-complainant concluded his evidence on 18.09.2023, and all the aforementioned documents

pertain to the period from 05.11.2015 to 21.04.2018. This clearly indicates that the said documents were well within the knowledge of the petitioner-complainant during the stage of leading evidence. However, despite having the opportunity, the petitioner-complainant choose not to bring these documents on record at the relevant stage.

9. This Court is of the considered opinion that the filing of the present application at the fag end of the trial appears to be an attempt to delay the conclusion of proceedings and the impugned order dated 10.03.2025 (Annexure P-2) is a well reasoned and a speaking order which needs no interference of this court. Accordingly, the same is upheld.

10. Hence, the present petition is dismissed being devoid of any merits.

04.04.2025

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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether Reportable : *Yes/No*