



CRM-M-51273-2025

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

CRM-M-51273-2025

Decided on: 12.09.2025

Pradeep Kumar Tyagi

...Petitioner

Versus

Dhake Lal alias Jai Bhagwan Chauhan and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Hemant Bassi, Advocate and
Mr. Ajay Kumar Dahiya, Advocate
for the petitioner.

Ms. Shaveta Sanghi, AAG, Haryana.

ANOOP CHITKARA, J.

Criminal Complaint No.3382 of 2020 dated 07.08.2020 titled as Dhake Lal @ Jai Bhagwan vs. Pradeep Kumar Tyagi

1. The petitioner, aggrieved by the order dated 01.08.2025, vide which the Judicial Magistrate, Ist Class, Faridabad, dismissed the application under Section 311 CrPC in the complaint mentioned above, has come up before this Court by filing the present petition under Section 528 BNSS (482 CrPC) for setting aside the said order.

2. At the very outset, counsel for the petitioner submits that application filed under Section 311 CrPC was cryptic and did not mention reasons for cross-examination and as such they have no grievance that it was dismissed because of absence of material facts. Counsel further submits that however after the dismissal of their earlier application vide impugned order, now fresh facts have come to the notice of the petitioner and now he would be contended and satisfied if he is permitted to withdraw the present petition with liberty to file fresh application before the trial Court, explicitly pointing out the facts which now came in his notice, which were not in his knowledge on 11.02.2025 when the application under Section 311 CrPC was filed.

3. The nature of the order this Court proposes to pass no notice is required to be issued to private respondent whose money is at stake and the matter is already delayed and if notice is issued, then it will further delay the matter.

4. Given above, if the fresh facts have come to the notice of petitioner after



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11.02.2025, petitioner is permitted to file fresh application under Section 311 CrPC before the trial Court by mentioning all those facts which came to his notice after 11.02.2025. It is clarified that if the petitioner files fresh application under Section 311 CrPC without mentioning the facts which have come to his notice after 11.02.2025, it shall be permissible for the trial Court to impose cost (not more than Rs.5,000/-) upon the petitioner, in case, while deciding the said application in accordance with law, Court deems fit.

5. Petition is disposed of as withdrawn with the aforesaid liberty and observations. Pending applications if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

12.09.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.