



\$~35 to 38

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 736/2025 & CRL.M.A. 3478/2025**
TANUJ GUPTAPetitioner
Through: Mr. Syed Hasan Isfahani,
Adv.
versus
RAHUL GOELRespondent
Through: Mr. Akash Swami, Adv.
(through VC)

+ **CRL.M.C. 737/2025 & CRL.M.A. 3480/2025**
TANUJ GUPTAPetitioner
Through: Mr. Syed Hasan Isfahani,
Adv.
versus
YOGESH GOELRespondent
Through: Mr. Akash Swami, Adv.
(through VC)

+ **CRL.M.C. 746/2025 & CRL.M.A. 3535/2025**
MOHIT GUPTAPetitioner
Through: Mr. Syed Hasan Isfahani,
Adv.
versus
RAJESH GOELRespondent
Through: Mr. Akash Swami, Adv.
(through VC)

+ **CRL.M.C. 747/2025 & CRL.M.A. 3541/2025**
MOHIT GUPTAPetitioner
Through: Mr. Syed Hasan Isfahani,
Adv.
versus
ANITA DEVIRespondent
Through: Mr. Akash Swami, Adv.
(through VC)

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
07.04.2025

%



1. The present petitions are filed challenging the orders dated 21.10.2023 (hereafter “**impugned order dated 21.10.2023**”) passed by the learned Metropolitan Magistrate (‘MM’), North-West District, Delhi in Ct. Cases 7855/2017, 7853/2017, 7852/2017, 7854/2017 whereby the right of the petitioners to cross-examine the complainant was closed in view of the fact that the petitioner did not conduct effective proceedings on 30.09.2022, 03.12.2022 and 30.05.2023.
2. The present petitions also challenge the orders dated 07.08.2024 (hereafter “**impugned order dated 07.08.2024**”) passed by the learned Judicial Magistrate First Class (‘JMFC’) in the above-mentioned complaint cases, whereby the applications moved by the petitioners under Section 311 of the Code of Criminal Procedure, 1973 for recalling of complainant, was dismissed.
3. The petitioners are aggrieved that another opportunity to cross-examine the complainant/ respondent was not granted to them.
4. The learned counsel for the respondent/ complainant, at the outset, submits that he has no objection if the prayer is allowed, on the complainant being adequately compensated and on the petitioners being put to terms that the examination will be conducted expeditiously without seeking any unwarranted adjournments.
5. He submits that the matters are now listed for further proceedings on 09.04.2025 before the learned JMFC. He submits that this Court may fix any date on which the complainant can appear as a witness and on the said date itself, the counsel for the petitioners may cross-examine him.
6. The learned counsel for the petitioners submits that the



cross-examination of the complainant will be concluded within a day, and no adjournment will be taken by the petitioners.

7. In such circumstances, even though this Court finds no infirmity in the orders passed by the learned MM and the learned JMFC, respectively, however, considering that the complainant is not averse to one more opportunity being granted to the petitioners subject to he being compensated, the impugned orders are set aside.

8. The parties are directed to appear before the learned JMFC on 09.04.2025.

9. The complainant is directed to appear on the said date for further examination.

10. The learned JMFC is requested to complete the examination of the complainant on the said date and if the date is not convenient, then give a short date for the said purpose and also not grant any unwarranted adjournments.

11. The petitioners are directed to pay a cost of ₹10,000/- in each case, to the respondent as compensation and the proof of payment of cost be filed before the learned JMFC.

12. The petitions are allowed in the aforesaid terms and the impugned orders are set aside.

13. A copy of this order be placed in all the matters.

AMIT MAHAJAN, J

APRIL 7, 2025