



2025:DHC:5518



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

Date of Decision: 08th May, 2025

+ **CRL.M.C. 2870/2025, CRL.M.A. 12813/2025 (stay)**

HARI SINGH

S/o Late Shri Deena Nath
R/o 1-1C, Sarojini Naidu Park,
Shashtri Nagar,
Delhi-110051
Mob No.8448938446

.....Petitioner

Through: Ms. Seema Singh, Advocate.

versus

SURESH PAWAR

S/o Shri Dada Pawar
R/o S-256, School Block,
Shakarpur, Delhi-110092

.....Respondent

Through: None

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+ **CRL.M.C. 2871/2025, CRL.M.A. 12816/2025 (stay)**

HARI SINGH

S/o Late Shri Deena Nath
R/o 1-1C, Sarojini Naidu Park,
Shashtri Nagar,
Delhi-110051
Mob No.8448938446

.....Petitioner

Through: Ms. Seema Singh, Advocate.

versus

SURESH PAWAR



2025:DHC:5518



S/o Shri Dada Pawar
R/o S-256, School Block,
Shakarpur, Delhi-110092

.....Respondent

Through: None

11
+

CRL.M.C. 2901/2025, CRL.M.A. 12964/2025 (stay)

SMT. AKHILESH SINGH
(Nursing Sister, Emp. No. 89041)
W/o Shri Hari Singh
R/o 1-1C, Sarojini Naidu Park,
Shashtri Nagar,
Delhi-110051
Mob. No. 8448938446

.....Petitioner

Through: Ms. Seema Singh, Advocate.

versus

SH. PREM SINGH
S/o Sh. Rajender Singh
R/o A-18, Sanjay Park,
Shakarpur, Delhi-110092
Whatsapp No. 9899352788

.....Respondent

Through: None

12
+

CRL.M.C. 2902/2025, CRL.M.A. 12966/2025 (stay)

HARI SINGH
S/o Late Shri Deena Nath
R/o 1-1C, Sarojini Naidu Park,
Shashtri Nagar,
Delhi-110051
Mob No.8448938446

.....Petitioner

Through: Ms. Seema Singh, Advocate.

versus



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SH. PREM SINGH

S/o Sh. Rajender Singh
R/o A-18, Sanjay Park,
Shakarpur, Delhi-110092
Whatsapp No. 9899352788

.....Respondent

Through: None

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

CRL.M.A.12814/2025 (Exemption) in CRL.M.C. 2870/2025

CRL.M.A.12817/2025 (Exemption) in CRL.M.C. 2871/2025

CRL.M.A.12965/2025 (Exemption) in CRL.M.C. 2901/2025

CRL.M.A.12967/2025 (Exemption) in CRL.M.C. 2902/2025

1. Exemption allowed, subject to all just exceptions.
2. The Applications stand disposed of.

CRL.M.C. 2870/2025, CRL.M.C. 2871/2025, CRL.M.C. 2901/2025,
CRL.M.C. 2902/2025

3. Petitions bearing **CRL.M.C. 2870/2025 & CRL.M.C. 2871/2025** under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) (old Section 482 of the Code of Criminal Procedure, 1973), have been filed on behalf of the Petitioners/Hari Singh for quashing of Order dated 06.09.2024 *vide* which the Application under Section 311 Cr.P.C. to cross-examine the Complainant, has been dismissed and also for quashing of Order dated 28.09.2024 *vide* which the Application of the Petitioner for adducing additional evidence on his behalf, has been dismissed.

4. Petitions bearing **CRL.M.C.2901/2025 & CRL.M.C.2902/2025**



have been filed on behalf of the Petitioners Akhilesh Singh and Hari Singh respectively, for quashing of Order dated 19.12.2024 of learned Metropolitan Magistrate, Karkardooma Courts *vide* which the Application of the Petitioners under Section 311 Cr.P.C., have been dismissed.

5. It is submitted that the Petitioners-Hari Singh and his wife Akhilesh Singh are a victim of financial fraud by a group of persons led by one Mr. Prem Singh, Advocate. They had taken loan of Rs.8,00,000/- from one Mr. Hari Shankar in the year 2008, which Hari Singh returned through his Joint Savings Account with his wife-Akhilesh Singh, Petitioner in CRL.M.C.2901/2025 .

6. At the time of giving loan in the year 2008 till 2011, Mr. Hari Shankar took various cheques from the Petitioner and his wife and also took signatures on blank papers, Pro-notes, Stamp Papers and asked the Petitioner and his wife, to encash some cheques of his and his acquaintances in their Bank Account, in order to create relation.

7. Though, the cheque amounts were being credited in the Account of the Petitioner, but the same amount was being taken by the Petitioner in cash. He thereafter, has filed frivolous Complaint under Section 138 of the Negotiable Instrument Act, 1881 (*hereinafter referred to as 'N.I. Act'*) and Civil Suit under Order 37 of the Code of Civil Procedure, 1908.

8. In the aforesaid four Complaints under Section 138 of N.I. Act, the Application under Section 311 Cr.P.C in the aforesaid four Petitions were dismissed on 06.09.2024 and 19.12.2024 respectively.

9. The ***impugned Order is challenged on the ground*** that the learned Trial Court has wrongly relied upon the previous Orders in arriving at a



conclusion that the present Petitioners are trying to delay the present matter. Without appreciating the intent of the Application under Section 311 Cr.P.C, the same has been dismissed on technicalities.

10. The Complainant has not been cross-examined by the Petitioner, which is most vital piece of the evidence. The proper cross-examination of the Complainant could significantly impact the outcome of the trial. Moreover, the reasons given for delay in moving the Application by the Petitioners have not been appreciated correctly. No prejudice would be caused to the Complainant as it was the Complainant, who has failed to bring the originals on record.

11. The Notice had been framed by the learned Trial Court, without examining the original documents. Considering the photocopies, the Petitioner has a doubt about the authenticity of these documents i.e. Agreement-cum-Receipt, Pro-note, and cheque in question, which are forged signatures of the Petitioner.

12. It had not been considered that on 06.09.2024, the Petitioner had tried to get the DE opened by moving the relevant Application, but the same also has been dismissed on the technical ground.

13. A prayer is, therefore, made that the impugned Orders be set-aside and the Applications under Section 311 Cr.P.C. be allowed.

14. **Submissions heard and the record perused.**

On Section 311 Cr.P.C:

15. The right of cross-examination of the Complainant/witnesses was closed on 02.06.2023 in CRL.M.C. 2870/2025 & CRL.M.C. 2871/2025 and 24.07.2024 in CRL.M.C.2901/2025 & CRL.M.C.2902/2025, since the



opportunities had been given to the Petitioners for cross-examination, which he failed to avail.

16. In CRL.M.C. 2870/2025 & CRL.M.C. 2871/2025 Petitioner-Hari Singh moved his **first Application** under Section 311 Cr.P.C on 18.09.2023 seeking a right to cross-examine the witnesses but the same was dismissed on 27.03.2024. The said Order was not challenged before any Superior Court. Despite this, **the Second Application** under Section 311 Cr.P.C. was filed on 05.08.2024 for the same relief, which was dismissed on the same date. The **third Application** was filed on 06.09.2024, which also met the same fate on the same day.

17. Similarly in CRL. M.C. 2901/2025 & CRL. M.C. 2902/2025 Petitioners - Akhilesh Singh and Hari Singh - moved their **first Application** under Section 311 Cr.P.C on 30.04.2022 seeking a right to cross-examine the witnesses but the same was dismissed as withdrawn on 05.11.2022. The said Order was not challenged before any Superior Court. Despite this, the **Second Application** under Section 311 Cr.P.C. was filed on 27.09.2024 for the same relief, which was dismissed on 22.10.2024. **The third Application** was filed on 12.11.2024, which was also dismissed *vide* impugned Order 19.12.2024.

18. Once, the right to cross-examine the Complainant had been denied *vide* Order dated 27.03.2024 2871/2025 and 24.07.2024 respectively, which had not been challenged before any Superior Court, similar repeat Applications could not have been filed on behalf of the Petitioners. The subsequent Application under Section 311 Cr.P.C. has been rightly dismissed by making a reference to earlier two similar Applications which



had already been dismissed.

19. *There is no infirmity in the Order dated 06.09.2024 and 19.12.2024 dismissing the Application under Section 311 Cr.P.C. of the Petitioners, for cross-examination of the Complainant.*

Application for adducing additional evidence

20. Further, in CRL.M.C. 2870/2025 & CRL.M.C. 2871/2025, after the evidence of the Complainant was closed on 02.06.2023 the Petitioner had examined himself as DW-1 on 05.08.2024 and thereafter, failed to adduce any further evidence. The evidence was closed on 28.08.2024, i.e. after more than a year after giving due opportunity to the Petitioner.

21. Again, an Application was filed on 28.09.2024 for adducing additional evidence on behalf of the Petitioner but the same has also been dismissed.

22. Pertinently, list of 14 witnesses, has been summoned wherein essentially no relevance of most of the witnesses, has been shown.

23. The learned Trial Court had proceeded on the mandate of the Apex Court to quickly dispose of the oldest 300 cases under NI Act and this case being one of those.

24. Considering the reasons given by the learned Trial Court, has rightly observed that the incessant filing of Applications by the Parties is proving counterproductive to the disposal of the case.

25. There is no ground to set-aside the Order dated 28.09.2024. There is no merit in the Petition, which is hereby dismissed.

26. The Petitions are disposed of accordingly. Pending Applications, if any, also stand disposed of.



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(NEENA BANSAL KRISHNA)
JUDGE

MAY 08, 2025/RS