



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

Sr. No.143

CRM-M-26921-2026
Date of Decision: 13.05.2026

KASHMIR KAUR

...Petitioner

Versus

KARANJIT SINGH

....Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. S.K. Bawal, Advocate and
Ms. Arpita Walia, Advocate
for the petitioner.

MANDEEP PANNU, J. (Oral)

1. Present petition has been filed under Section 528 BNSS, 2023 (corresponding to Section 482 Cr.P.C.) for quashing of order dated 17.04.2026 passed by the Court of Judicial Magistrate First Class, Phagwara, in NACT No. 580 of 2021 titled as '*Kashmir Kaur versus Karanjit Singh*', whereby the applications filed by the petitioner for production of record and for amendment of the complaint were dismissed. In the complaint filed under Section 138 of the Negotiable Instruments Act, the aforesaid application for amendment of the complaint was moved by the complainant-petitioner.

2. By way of the proposed amendment, the petitioner-complainant seeks incorporation of an additional paragraph in the complaint to the effect that the accused had received an amount of Rs.7,00,000/- from the complainant on different occasions for sending the complainant's son abroad i.e. Belgium, and had assured that in case he failed to do so, the said amount



along with compensation of Rs.50,000/- would be returned, pursuant to which the cheque in question amounting to Rs.7,50,000/- was issued by the accused. The learned trial Court, while dismissing the application, observed that neither the complaint, nor the legal notice, nor the affidavit and deposition of the complainant contained any averment regarding the alleged assurance of payment of compensation of Rs.50,000/- in case the complainant's son was not sent abroad. It was further observed that the application had been moved at the fag end of the trial after closure of defence evidence and appeared to be an attempt to fill up lacunae in the complainant's case. Accordingly, the application for amendment of the complaint was dismissed vide order dated 17.04.2026. It is further submitted that another application was moved by the petitioner-complainant seeking permission to produce certified copy of statement of account of Kashmir Kaur, complainant, pertaining to Account No. 2095101013741 maintained with Canara Bank, Branch Hadiabad, for the period from 14.12.2020 to 10.02.2021 by way of additional evidence. The said application was also dismissed by the learned trial Court while observing that the application for additional evidence had been filed at the fag end of the trial after closure of the defence evidence. The learned trial Court further observed that no explanation had been furnished as to why, despite being aware of the said account statement, the complainant had failed to produce the same during complainant evidence. It was also noticed that several effective opportunities had already been granted to the complainant for leading evidence and thereafter the complainant evidence had been closed. Accordingly, the application was dismissed. Feeling aggrieved against the aforesaid orders



dated 17.04.2026 passed by the learned Judicial Magistrate Ist Class, Phagwara, the present petition has been filed for quashing of the said orders.

3. Learned counsel for the petitioner has argued that the learned trial Court failed to appreciate that the proposed amendment was only clarificatory in nature and did not change the nature of the complaint or introduce any new case. It has been contended that the amendment as well as the additional evidence sought to be produced were necessary for proper adjudication of the controversy and for bringing complete facts on record. It is further argued that no prejudice would have been caused to the accused by allowing the applications and that procedural technicalities should not defeat substantial justice. Learned counsel has further submitted that the additional evidence in the form of statement of account would only clarify the transaction between the parties and would not amount to filling up lacunae in the case of the complainant.

4. After hearing learned counsel for the petitioner and perusing the record, this Court does not find any ground to interfere in the impugned orders passed by the learned trial Court. Admittedly, both the applications i.e. the application for amendment of complaint as well as the application for leading additional evidence, were moved at the fag end of the trial after closure of defence evidence and when the case was fixed for final arguments. No satisfactory explanation has been furnished by the petitioner as to why the facts sought to be incorporated by way of amendment or the statement of account sought to be produced by way of additional evidence were not brought on record at the appropriate stage despite being within the knowledge of the complainant from the very beginning. There is nothing on



record to show that the said facts came to the knowledge of the complainant at a later stage.

5. It is well settled that amendment in a complaint under Section 138 of the Negotiable Instruments Act is permissible only where the same relates to a curable irregularity, does not prejudice the accused and is sought at an appropriate stage of the proceedings. In this regard, reference may be made to the judgment of the Hon’ble Supreme Court in *Bansal Milk Chilling Centre versus Rana Milk Food Private Limited and another, 2025 AIR Supreme Court 3450*. In the present case, allowing the amendment and additional evidence at such a belated stage would clearly prejudice the accused, as both the parties have already concluded their evidence and the matter is fixed for final arguments. The proposed applications appear to be an attempt to improve the case of the complainant after completion of trial.

6. Accordingly, finding no illegality or perversity in the impugned orders, the present petition is hereby dismissed.

7. All pending applications, if any, also stand disposed of.

13.05.2026
Anu

(MANDEEP PANNU)
JUDGE

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