



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

183-II

CRM-M-41265-2025 (O&M)

Date of decision : 10.03.2026

Shree Radhey Krishna Alloys

..... Petitioner

VERSUS

S.B.S. International Pvt. Ltd. & Ors.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Rakesh Dhiman, Advocate for the petitioner.

SURYA PARTAP SINGH, J.

This petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed for quashing of the impugned order dated 30.04.2025 (Annexure P-7), passed by the learned Judicial Magistrate First Class Gurgaon, in case titled as 'Shree Radhey Krishan Alloys Versus S.B.S International Pvt. Ltd and Others', complaint No.NACT/6275 of 2022.

2. By moving an application to lead additional evidence, the petitioner (complainant in complaint under Section 138 of the NI Act) wanted to prove the documents, i.e. GSTR along with ITR, Tax invoice and E-way bills. The said request has been declined by observing that it is nothing, but an attempt to fill up the lacunae. Observation has also been made that cross-examination of the complainant is already over and case is at the stage of recording of defence evidence.

3. It has further been observed that it was only during cross-examination that the documents were requested to be placed it on record.



Therefore, there is no scope for the petitioner to contend that the documents are required to be proved, as they have already been placed on record at his instance, during cross-examination by the accused. In the impugned order, the learned trial Court has very categorically observed that petitioner has failed to specify in its application, or during cross-examination, as to how these documents are relevant and essential for proper adjudication of the present case.

4. Merely because GSTR documents were asked to be produced by counsel for the accused in cross-examination of the complainant, the same cannot be considered a valid ground to summon the officials from the Excise and Taxation Department to prove these documents.

5. In view of the abovementioned reasons in the impugned order, this Court does not find any necessity to interfere or indulgence in the same. However, the present petition is *disposed of* with the observation that if, before taking a final decision in the case, learned trial Court finds that the additional evidence, which is now being sought to be produced by the petitioner, is essential for just decision of the case, it would be open to the learned trial Court to call-upon the petitioner to prove the same.

6. Pending miscellaneous application(s), if any, shall stand disposed of.

(SURYA PARTAP SINGH)
JUDGE

10.03.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No