SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/1436/2025 Bandana Sharma --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Rakesh Thapliyal, J.** 1. Mr. Amanjot Singh Chadha, learned counsel for the applicant. 2. Mr. Sandeep Sharma and Mrs. Rangoli Purohit, learned A.G.A. for the State. 3. The instant C528 application is preferred by the applicant 'Bandana Sharma' challenging the proceeding of Criminal Case No. 660 of 2025 titled as Anil Valecha vs. Bandana Sharma pending in the court of ACJM, Kashipur, District Udham Singh Nagar, which is a proceeding under section 138 of N.I. Act. 4. Learned counsel for the applicant submits that the proceeding is being challenged on the ground that the dispute in fact arising out of matrimonial one since the applicant have some dispute with her husband Prakash Valecha and the cheque in question was in fact arising out of a matrimonial dispute. He further submits that the recovery suit is also filed by the respondent, who is the younger brother of the husband of the applicant, therefore, the proceeding as initiated under section 138 of N.I. Act is completely an abuse of process of law. 5. The argument as advanced by the learned counsel for the applicant is completely misconceived since the proceeding under the N.I. Act, is governed by a special Act and it has nothing to do either with the matrimonial dispute or the recovery suit and is independent one. In a 138 N.I. Act proceeding the Trial Court has to examine whether there is a legally enforceable

			debt or not and there is a presumption under section 139 of N.I. Act against the applicant, who issued the cheque. 6. All the grounds as taken in this petition is challenging the proceeding are completely the subject matter of the trial and proceeding cannot be quashed on these ground and the applicant has all liberty to raise all defence plea before the Trial Court. 7. In such view of the matter, I do not find any merit in this petition and the same is accordingly dismissed. **(Rakesh Thapliyal, J.)** 11.08.2026 PR