

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

CRM-M-31262-2013 (O&M)

Date of decision : 10.02.2015

Balwan Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Parminder Singh, Advocate,
for the petitioner.

Ms. Trishanjali Sharma, AAG, Haryana.

JITENDRA CHAUHAN, J.

The present petition under Section 482 of the Code of Criminal Procedure, (for short, 'the Cr.P.C.') is for quashing of FIR No.38 dated 01.02.2011, registered under Sections 406, 420, 506 of the Indian Penal Code, at Police Station Ambala City.

It is contended that the complaint filed by the complainant under Section 138 of the Negotiable Instruments Act, already stands dismissed for want of prosecution. The complainant deliberately got the same dismissed as there is a cutting in the cheque in question. The complainant was running a monthly committee and in lieu of security, the blank cheque was given which he misused.

On the other hand, the learned State counsel, on instructions, submits that the petitioner duped the complainant of Rs.18,000/-, on the pretext of getting employed her relative in some government job. After thorough investigation, challan has been presented against the petitioner. The charges have been framed and the trial is in progress.

Heard.

The question whether the cheque in question was a security cheque or not relates to the factual aspect of the matter, which this Court is not inclined to go into, at this stage. Keeping in view specific allegations and the fact that after presentation of the challan and framing of charges, the trial is in progress, this Court feels that it is not a fit case where inherent powers under Section 482 of the Code of Criminal Procedure are to be exercised to quash the criminal proceedings.

In view of the above, without commenting on the merits of the case, the present petition is hereby dismissed.

10.02.2015
yakub/atulsethi

(JITENDRA CHAUHAN)
JUDGE