

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-31673 of 2015 (O&M)

.....

Date of decision:17.9.2015

Paranjali Thareja

...Petitioner

v.

Veena Rani

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Chander Pal Tiwana, Advocate for the petitioner.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. for quashing/setting aside the impugned order dated 24.2.2015 (Annexure-P.2) passed by learned Judicial Magistrate Ist Class, Kaithal, by which the charge under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as 'the N.I. Act') has been framed against the petitioner and also for quashing/setting aside the impugned order dated 9.9.2015 (Annexure-P.3) passed by learned Additional Sessions Judge, Kaithal, vide which the revision petition filed by the petitioner has been dismissed.

I have heard learned counsel for the petitioner and have gone through the record.

As per the record, Smt. Veena Rani-complainant filed

complaint under section 138 of the N.I. Act against Pranjal Thareja present petitioner. The learned Judicial Magistrate Ist Class, Kaithal, vide impugned order dated 24.2.2015 served notice of accusation upon the accused, to which he pleaded not guilty and claimed trial.

As the case under Section 138 of the N.I. Act is not a warrant trial case, therefore, only notice of accusation is to be served after appearance of the accused on the basis of summoning order. Only summoning order can be challenged if the accused has been summoned and if the summoning order is not set aside then the notice of accusation is to be served. The order dated 24.2.2015 passed by the learned Judicial Magistrate Ist Class, Kaithal, and then the order dated 9.9.2015 passed in the criminal revision by the learned Additional Sessions Judge, Kaithal, do not suffer from any illegality.

Therefore, from the above, I do not find that any illegality has been committed by the Courts below while passing the impugned orders.

Consequently, in view of the above, I do not find any merit in the present petition and the same is dismissed.

September 17, 2015.

(Inderjit Singh)
Judge

hsp