

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

**C.R.M-M No.32765 of 2014
Date of Decision : 28.10.2015**

Kuldeep Singh

..... Petitioner

versus

Om Parkash and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Vikas Kumar, Advocate
for the petitioner.

Mr. Amit Parashar, Advocate
for the respondents.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of Criminal Complaint No.83 of 2014 dated 16.01.2014 under Sections 138 of the Negotiable Instruments Act pending in the Court of Judicial Magistrate First Class, Faridabad and the summoning order dated 16.01.2014.

As per the allegation the petitioner has entered into an agreement to purchase a plot from the respondents for a total consideration of Rs.42,00,000/- on 03.06.2013. Initially the petitioner had paid an amount of Rs.2,00,000/- in cash alongwith two post-dated cheques bearing

Nos.089768 & 089769 dated 05.12.2013 for Rs.20,00,000/- each in favour of the respondents. However, before the sale deed could be registered the complainant-respondents presented those cheques for encashment. Since the same were dishonoured the respondents have filed the instant complaint.

Learned counsel for the petitioner has argued that neither the sale deed has been registered nor even the possession has been given. Further the respondents have filed a civil suit for declaring the said agreement null and void and in these circumstances there is no liability against the petitioner whose cheques were dishonoured.

Learned counsel for the complainant has not been able to refute these factual assertions.

In these circumstances, it is hard to believe that the issued cheques do not discharge any legal liability, more so in view of the fact that the complainant-respondents have themselves filed a civil suit to nullify the said agreement under which the cheques were issued.

Consequently, the petition is allowed. The aforesaid criminal complaint and the summoning order are quashed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

October 28, 2015
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(AJAY TEWARI)
JUDGE