

In the High Court of Punjab and Haryana at Chandigarh

CRM-M-39184 of 2013

Date of Decision: 10.02.2015

Raj Kumar Prop. M/s Raj Kumar Shiv Shakti ---Petitioner
versus

Manoj Gupta ---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. K V Aggarwal, Advocate
for the petitioner
Mr. Mahesh Gupta, Advocate
for the respondent

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

REKHA MITTAL, J. (Oral)

The petitioner, by invoking Section 482 of the Code of Criminal Procedure (in short, 'Cr.P.C') prays for quashing of criminal complaint No. 33000 dated 30.08.2013 (Annexure P1) for offence punishable under Section 138 of the Negotiable Instruments Act, 1881, summoning order dated 05.09.2013 and proceedings emanating therefrom

Perusal of the averments set up in the petition would make it evident that the petitioner has sought quashing of the proceedings by raising factual controversy which requires evidence to be adduced by the parties for its adjudication.

As per settled position of law, disputed questions of fact are not amenable to decision in exercise of jurisdiction under Section 482 Cr.P.C. In this view of the matter, I am of the considered opinion that prayer of the petitioner for quashing of criminal proceedings is not tenable and is accordingly rejected without prejudice to his right to raise all available pleas before the trial Court.

In view of what has been discussed here-in-above, the petition stands dismissed, leaving the parties to bear their own costs.

(REKHA MITTAL)
JUDGE

10.02.2015

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