

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

(225)

**CRM-M-6912-2011 (O&M)
Decided on: December 10, 2015.**

Mastan Singh and another

.... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Amit Saini, Advocate, for the petitioners.

Mr. A.S. Kaler, DAG, Punjab.

Mr. V.P.S. Mittewal, Advocate, for respondent No.2.

M.M.S. BEDI, J (ORAL)

This is a petition under Section 482 Cr.P.C for quashing of criminal proceedings under Section 138 of the Negotiable Instruments Act. The petitioners seek quashing of summoning order also inter alia on the ground that the petitioners have been unnecessarily summoned to face trial despite the fact that the cheque in dispute neither bears the signatures of the petitioners nor the account from which the cheque had been issued by one Kuldeep Singh belongs to the petitioners.

During course of arguments, learned counsel for the petitioners has made a reference to the statement of DW-1 an employee of the bank who has stated that the account 2666 does not belong to the petitioners.

Since the proceedings in the complaint have reached the penultimate stage where on appreciation of evidence, the trial Court can finally adjudicate the controversy, it will not be appropriate for this Court to enter into the niceties of the trial and to appreciate the defence of the petitioners to quash the complaint or the proceedings.

This petition is disposed of with liberty to the petitioners to raise all the pleas before the trial Court at opportune time. It is expected from the trial Court to expeditiously dispose of the proceedings by fairly appreciating the plea of the complainant as well as defence of the petitioners. It will be appreciated in case the complaint is finally decided within a period of 3 months after the receipt of certified copy of the order.

(M.M.S. BEDI)
JUDGE

December 10, 2015
harsha