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

CRM-M-4451 of 2015

Date of decision: February 10, 2015

Mahant Parveen Dass

.....Petitioner

Versus

Suresh Hans

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. D.S. Malik, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition under Section 482 of Code of Criminal Procedure, 1973 seeking quashing of the complaint as well as summoning order dated 15.11.2014 (Annexure P-2).

Learned counsel for the petitioner has submitted that the petitioner had got married to Ambika Rani on 15.12.2005. They were blessed with two children out of the said wedlock. Petitioner purchased a house on 26.08.2012 in the name of his wife and took loan to the tune of ₹10,00,000/- from the bank. Petitioner used to give 4/5 blank signed cheques to his wife, so that she could use the same in his absence. After the purchase of the house by the petitioner in the name of his wife, he was shunted out of the house by his wife and she started residing with the complainant. The blank signed cheques given by the petitioner to his wife had been misused by the complainant.

Petitioner has also filed a civil suit for permanent injunction against his wife. Petitioner has also initiated divorce

proceedings against his wife and has also sought custody of his children.

A perusal of the complaint (Annexure P-1) reveals that the same had been filed by the respondent qua dishonour of cheque dated 12.08.2014. Respondent led his preliminary evidence in support of his complaint. Trial Court vide impugned order dated 15.11.2014 ordered the summoning of the petitioner as the respondent had been successful in establishing a prima facie case in his favour. The pleas taken by the petitioner in this petition, can be taken by the petitioner in his defence before the trial Court. However, this Court cannot convert itself into trial Court while exercising jurisdiction under Section 482 of Code of Criminal Procedure, 1973 ('Cr. P.C.' for short).

Hence, no ground for interference by this Court, is made out. However, petitioner would be at liberty to take up all the pleas available to him during trial, before the trial Court.

Dismissed.

February 10, 2015

m.singh

(SABINA)

JUDGE