

\$~25

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment delivered on: 10th August, 2015

+ **CRL.M.C. No.3195/2014**

SATPAL BAJAJ Petitioner

Represented by: Mr.Mohit Monga, Advocate.

Versus

NIMISH TEXTILE Respondent

Represented by: Mr. D. Sambharwal, Advocate.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

CRL.M.C. No.3195/2014

1. Vide the present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner seeks quashing of the proceedings emanating from the case bearing CC No.8017/1/09 titled as “*Nimish Textile Vs. Satpal Bajaj*” by setting aside the order dated 30.07.2007, whereby the petitioner had been summoned.

2. Learned counsel appearing on behalf of the petitioner submits that the cheque in question had not been issued by the petitioner, the petitioner has nothing to do with the same as he had no business relations with the respondent and that the petitioner does not have any bank account with the Punjab National Bank, thus, the learned Trial Court has passed the impugned order without any base.

3. Learned counsel further submits that moreover, the cheque in question was dishonoured on account of difference of signature and not on account of insufficiency of funds. Since the petitioner did not issue the

cheque in question, therefore, he cannot be summoned under Section 138 of the Negotiable Instruments Act, 1881.

4. Perusal of para-3 of the complaint filed by the respondent reveals that on 06.03.2007, the accused persons came to the business premises of the complainant and purchased the cloth for a sum of Rs.35,699/- in the name of the accused No.1, i.e., petitioner herein and issued a Post Dated Cheque (PDC) bearing No.879777 dated 10.03.2007. Thereafter, both the accused again purchased the cloth from the complainant on 09.03.2007 and issued a PDC bearing No.879776 dated 15.03.2007 for a sum of Rs.57,755/-, both drawn on Punjab National Bank, West Patel Nagar Branch, New Delhi.

4. The complainant had also issued the bills for purchase of the aforesaid garments in the name of the petitioner and co-accused.

5. In view of the above recorded facts, I do not find any discrepancy in the impugned summoning order dated 30.07.2007 passed by the learned Metropolitan Magistrate.

6. Therefore, finding no merits in the instant petition, the same is dismissed.

Crl. M.A.No.11078/2014 (for stay)

With the dismissal of the petition itself, the instant application has become *infructuous*. Accordingly, the application is dismissed.

**SURESH KAIT
(JUDGE)**

AUGUST 10, 2015

sb