

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-15118-2012 (O & M)

Date of decision:03.03.2016

Gurmeet Singh

...Petitioner(s)

Versus

Beena Kumari

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Hitesh Kaplish, Advocate,
for the petitioner(s).

Mr. Rajeev Sharma, Advocate,
for Mr. K.D.S. Sodhi, Advocate,
for the respondent.

Rajan Gupta, J. (oral)

This is a petition under Section 482 Cr.P.C. for quashing of summoning order dated 09.02.2010, Annexure P-2, whereby petitioner has been summoned to face trial for offence under Section 138 of the Negotiable Instruments Act (hereinafter to be referred as “the Act”).

Petitioner has impugned the order stating that allegations contained in the application are totally false. Complainant has merely misused certain cheques issued by the petitioner. There is no business transaction between the parties. Thus, the complainant cannot show that same were issued to discharge any legal liability.

Learned counsel for the complainant has opposed the plea.

I have heard learned counsel for the parties. Complaint was lodged by one Beena Kumari (respondent herein). She stated that accused had assured her that accused would get permanent visa for her and her son. An amount of ₹3,50,000/- was taken for this

purpose. Thereafter, complainant enquired from the accused but he showed his incapability to get visa for permanent residence status for the complainant and her minor son. After great persuasion , the cheques in question were issued, which were returned with the remarks "*account closed*". Trial ensued. Complainant herself stepped into the witness-box and produced documents, Ex. C-1 to C-8. On appreciation of preliminary evidence, the court decided to summon the accused to face trial.

I find no legal infirmity with the order. The plea that the cheques were not issued to discharge the legal liability can only be considered after some evidence is led before the trial court.

The petition is, thus, without any merit and is hereby dismissed.

03.03.2016
sukhpreet

(RAJAN GUPTA)
JUDGE