

The present petition has been filed for quashing the FIR No. 374 dated 19.11.2009, registered under Sections 406/420/120-B IPC at Police Station Division No. 4, Jalandhar (Annexure-P-1). The allegations made in the FIR in question show that an application was filed for registration of FIR against one Som Nath on the ground that the said Som Nath had executed an agreement of sale on behalf of Gurbachan Singh (present petitioner) on 15.5.2002 and received Rs. 4,96,000/-, but did not hand over the amount to Gurbachan Singh (present petitioner). When the daughter of the complainant filed a

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complaint before the police, a compromise was effected, in which Som Nath agreed to refund an amount of Rs. 6,00,000/-. He handed over four post dated cheques to the complainant. However, on presentation, the said cheques were dishonoured. According to the complainant, he has been cheated as all the cheques have been dishonoured.

I am of the view that the money was paid to Som Nath, who according to the complainant, did not hand over the money to the present petitioner Gurbachan Singh. Then between Som Nath and the present complainant, a compromise was effected and four post dated cheques were handed over to the complainant. On presentation, the said cheques were dishonoured.

It being so, the offences are not under Sections 406/420/120-B IPC. It is an offence under Section 138 of the Negotiable Instruments Act, 1881, for which a criminal complaint lies. Hence, the present FIR is nothing, but misuse of the process of Court and is accordingly quashed.

The present petition is allowed.

(KULDIP SINGH)
JUDGE

1.4.2016
sjks