

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRM-M-6785 of 2016

Date of decision: February 25, 2016

Foreign Horizons Overseas Consultants Pvt. Ltd.

...Petitioner

Versus

Raman Bansal

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. H.S. Saini, Advocate for the petitioner.

Rajan Gupta, J.(oral)

This is a petition under Section 482 Cr.P.C. seeking quashing of complaint in question on the ground that cheque was issued only as a security cheque.

Learned counsel for the petitioner argued that a bare perusal of the cheque Annexure P-2 would show that same was a security cheque. Thus, no case under section 138 of the Negotiable Instruments Act, 1881 is made out against the petitioner.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears that the trial court has merely issued process. Admittedly, petitioner is yet to appear before the trial court after matter was transferred from the court of Judicial Magistrate 1st Class, Chandigarh to the court at Barnala. The factual pleas raised by the petitioner cannot be gone into in inherent jurisdiction of this court. Needless to observe, petitioner will be at liberty to raise all the pleas before the trial court. Same can be examined after some evidence is led before the trial court.

Dismissed.

(RAJAN GUPTA)
JUDGE

February 25, 2016
'Rajpal'