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

+ **W.P.(CRL) 814/2016 & CrI.M.A. No. 4494/2016**

MUKESH NATH & ANR Petitioners

Through: **Mr.Bhavani Shankar, Adv.**

versus

GOVT OF NCT OF DELHI Respondent

Through: **Ms.Kamna Vohra, ASC for State.**

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **24.05.2016**

1. This writ petition has been filed by the petitioner with the following prayer:-

“(i) To direct the respondent Nos.1 and 2 to file the status reports of the cases mentioned under para 6 of the petition.

(ii) To quash all the criminal complaint cases mentioned under para 6 of the petition.

(iii) Please to pass any further order as deemed fit and proper in the interest of justice.”

2. In brief, the case of the petitioner is that the respondent No.3 took a friendly loan from petitioner No.1 but failed to repay the same on due date. Ultimately, on being pressed by the petitioner No.1 and his brother to repay the loan, respondent No.3 issued cheque bearing No.789814 dated 06.09.2011 for a sum of ₹3 lacs.

3. On presentation, the said cheque got dishonoured with the remarks “funds insufficient”. After serving notice to respondent No.3, the complaint case under Section 138 of Negotiable Instruments Act (NI Act) was filed by the petitioner No.1 against the respondent No.3.

4. The case of the petitioner is that instead of settling his liability,

respondent No.3 filed false complaint cases against the petitioners, details of which are given in para 6 of the petition and are as under:

C.C. No.	Under Section
12/05/1	323, 341, 506, 34 IPC
26/01	Not known
98/01	Not known
70/01/14	323, 34 IPC
64/1/15	323, 506, 34 IPC
311/4/14	460, 34 IPC
9/AP/15	323, 379, 506, 34 IPC
D-116/1/15	Not known
516/01/15	Not known

5. By filing this petition, the petitioner wants all the complaints filed against him to be quashed.

6. Whether the complaint cases filed against petitioner are false, these facts cannot be adjudicated in writ jurisdiction, it is for the concerned Metropolitan Magistrate to examine the evidence to ascertain whether there are sufficient grounds to proceed against the accused named in the complaint. If the petitioner is aggrieved by any summoning order in the complaint case, he can avail his remedy by impugning the order passed.

7. There cannot be any general direction to quash all the criminal complaints filed against the petitioner.

8. The writ petition being not maintainable and is hereby dismissed.

PRATIBHA RANI, J.

MAY 24, 2016

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