

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM No. M-15343 of 2017 (O&M)
Date of Decision: 03.05.2017**

Ram Niwas

--Petitioner

Versus

Tata Capital Financial Services Ltd.

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. Sharmila Sharma, Advocate for the petitioner.

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TEJINDER SINGH DHINDSA, J.

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of Complaint No.342 of 2017 dated 05.03.2017 (Annexure P-1) titled as Tata Capital Financial Services Ltd. through its Legal Officer and Authorized Signatory Shri Vishwamitter Versus Ram Nivas filed under Section 138 of the Negotiable Instruments Act as also the summoning order dated 09.03.2017 (Annexure P-2) passed by the competent Court and in the light of which the present petitioner stands summoned to face trial under the provisions of the Negotiable Instruments Act.

The sole submission and contention raised by learned counsel for the petitioner is that the proceedings under the Negotiable Instruments Act are vitiated inasmuch as the cheque in question was not towards discharge of any legally enforceable debt. However, the issuance of cheque in question bearing the signatures of the petitioner is not disputed.

In the considered view of this Court, the question as regards the cheque being towards discharge of the legally enforceable debt is an issue to be raised and dealt with before the trial Court.

As such, while declining to interfere in the present petition, it is observed that it would be open for the petitioner to raise all pleas that may be available to him in accordance with law and before the trial Court.

Disposed of.

03.05.2017

Harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |