

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

CRM No.M-24219 of 2017 (O&M)

Date of Decision: August 16, 2017

Suresh Bati

...Petitioner

VERSUS

Indiabulls Housing Finance Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Amit Jain, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondent Indiabulls Housing Finance Ltd. for quashing impugned complaint No.16141 of 2015 dated 07.12.2015 under Section 138 of the Negotiable Instruments Act, summoning order dated 25.05.2016 and all consequential proceedings arising thereon.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that a complaint has been filed by the respondent against the present petitioner under Section 138 of the Negotiable Instruments Act on the ground that cheque issued by the petitioner amounting to ₹32,434/-, in favour of the complainant, has been dishonoured on presentation. Learned counsel for the petitioner admitted

the signatures of the petitioner on that cheque. At the time of arguments, he

also admitted that this cheque was given by the accused-petitioner to the complainant but his case is that the petitioner has already written to the complainant to settle whole remaining amount which is about ₹5.60 lakhs. Learned counsel for the petitioner also contended that the complaint in question is counter blast and has been filed with malafide intention.

The fact regarding counter blast complaint or the complaint has been filed with malafide intention, are the findings of fact which are to be determined by the trial Court on the basis of the evidence. In these proceedings, the findings of fact cannot be given. At this stage, in no way, it can be held that complaint has been filed with malafide intention. It is admitted fact that the amount of the cheque, which was dishonoured, has not been paid till date by the petitioner to the complainant-respondent.

In view of the above discussion, at this stage, in no way, it can be held that filing of the present complaint is abuse of process of law or it amounts to miscarriage of justice.

Therefore, finding no merit in the present petition, the same is dismissed.

August 16, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No