

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

**CRM No.M-24823 of 2015 (O&M)
Date of Decision: July 25, 2017**

M/s Alliance-JMR Land Products Pvt. Ltd.

...Petitioner

VERSUS

Dinesh Pahuja

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

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

Mr.Rajesh Arora, Advocate
for the respondent.

INDERJIT SINGH, J.

Petitioner M/s Alliance-JMR Land Products Pvt. Ltd. has filed this petition for quashing the complaint No.2361/AG/11.09.2014 titled as Smt.Dinesh Pahuja vs. M/s Alliance-JMR Land Products Pvt. Ltd. and another', summoning order dated 06.02.2014 and all subsequent proceedings arising thereof.

Notice of motion was issued. Learned counsel for the respondent appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that Dinesh Pahuja complainant filed a complaint against M/s Alliance-JMR Land Products Pvt. Ltd. and

Ms.Santosh under Section 138 of the Negotiable Instruments Act. As per

complaint's case, accused issued two cheque i.e. cheque No.605068 dated 22.05.2013, and cheque No.605069 dated 20.12.2013 for ₹4 lakhs and ₹2 lakhs respectively. It is in the complaint that when the cheques were presented for encashment, only first cheque was honoured but the second cheque No.605069 dated 20.12.2013 for ₹2 lakhs could not encashed due to insufficient funds. It is further in the complaint that complainant sent demand/legal notice dated 06.01.2014 through registered post to the accused person calling upon to make the payment of the dishonoured cheque within 15 days.

Learned counsel for the petitioner argued that the legal notice has not been issued to the company whereas learned counsel for the respondent states that the registered notice has been issued to the company also. This is finding of fact which is to be given by the trial Court on the basis of the evidence produced before it. In the quashing petition, the finding of fact cannot be given as the parties are on dispute whether legal notice was given to petitioner or not.

In view of the above discussion, I do not find any merit in the present petition and the same is dismissed.

July 25, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No