

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No.35488 of 2017 (O&M)

Date of decision : 22.9.2017

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Kulwinder Singh

.....Petitioner

vs.

State of Punjab and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Rajesh Gupta, Advocate for the petitioner.

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H. S. Madaan, J. (Oral)

This is a petition for quashing of FIR No. 146 dated 14.7.2017, under Sections 380, 420 IPC, registered at Police Station Goraya, District Jalandhar Rural. It is contended that respondent No.2 Shiv Kumar had issued two cheques in favour of petitioner Kulwinder Singh on account of discharge of financial liability. However, on presentation, the cheques were received back uncashed, due to the reason of insufficient funds in the account of respondent No.2. Since he did not make payment within 15 days of receipt of legal notice got served by the petitioner upon such respondent, the

petitioner filed two complaints under Section 138 of the Negotiable Instruments Act against him, which are pending in the Court of JMIC, Kharar, where such respondent-accused Shiv Kumar had not put in appearance. Resultantly, non-bailable warrants of arrest had been issued against him. However, he has lodged a false FIR against the present petitioner on the allegations that his cheques had been stolen which were then handed over to the petitioner. According to the petitioner, the assertions in the FIR are wrong and therefore the same be quashed.

In my considered view, since the cheques in question are subject matter of the criminal complaints stated to have been filed by the petitioner against respondent No.2, where respondent No.2 has been summoned, appropriate course of the petitioner is to inform the Investigating Agency of these facts and then the Investigating Agency, if convinced by the assertions put forward by the petitioner, can proceed to cancel the FIR and in case the petitioner is still feeling aggrieved then he can approach this Court again in accordance with law.

With such observations, the petition stands disposed of.

(H.S. Madaan)
Judge

22.9.2017

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Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No