

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-41793-2017

Date of decision: 07.11.2017

Sushila Devi

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Neeraj Yadav, Advocate for the petitioner.

RAMENDRA JAIN, J. (ORAL)

1. Prayer in the instant petition under Section 482 Cr.P.C. is for quashing of Criminal Complaint No. 308-2 dated 04.09.2017 (Annexure P-1), titled as "Parveen Kumar Vs. Sushila Devi", under Sections 138 to 142 of the Negotiable Instruments Act pending in the Court of Sub Divisional Judicial Magistrate, Hansi and the summoning order dated 04.09.2017 (Annexure P-2).

2. Referring to judgments of this Court in (i) Janak Raj Vs. State of Haryana, 2015(37) RCR (Criminal) 226 and (ii) Manjit Kaur Vs. Vanita, 2010 (3) RCR (Criminal) 574, learned counsel for the petitioner *inter alia* contends that the Court at Hansi, has no jurisdiction to summon the petitioner, inasmuch as the complainant and the petitioner both are residing at Gurgaon. The cheques in question were handed over to the complainant at Gurgaon, therefore, the Court at Gurgaon has only the jurisdiction to summon the petitioner and not the Court at Hansi. Both the cheques in question are time barred and, thus, the impugned complaint

(Annexure P-1) filed by the complainant was not maintainable.

3. After giving thoughtful consideration to the submissions made by learned counsel for the petitioner, this Court is of the considered opinion that all the points raised above, can very well be raised by the petitioner before the trial Court, at the time of serving of notice of accusation upon her. Hence, the instant petition is dismissed.

November 07, 2017
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No