

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

(1) CRM No.M-6425 of 2017 (O&M)

Virender Singh Dhull
...Petitioner

VERSUS

Labh Singh
...Respondent

(2) CRM No.M-6430 of 2017 (O&M)

Virender Singh Dhull
...Petitioner

VERSUS

Rameshwar Singh
...Respondent

(3) CRM No.M-6439 of 2017 (O&M)

Virender Singh Dhull
...Petitioner

VERSUS

Sahab Singh
...Respondent

(4) CRM No.M-6443 2017 (O&M)

Virender Singh Dhull
...Petitioner

VERSUS

Karam Singh
...Respondent

(5)

CRM No.M-6444 of 2017 (O&M)

Virender Singh Dhull

...Petitioner

VERSUS

Labh Singh

...Respondent

Date of Decision: March 15, 2017

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Aman Pal, Advocate
for the petitioner.

INDERJIT SINGH, J.

This order shall dispose of all the above-mentioned connected cases as the point for determination is the same.

The above-mentioned petitions have been filed by petitioner-accused under Section 482 Cr.P.C. for quashing of complaints dated 15.02.2011 filed by the respondents under Sections 138 and 142 of the Negotiable Instruments Act and all the subsequent proceedings arising therefrom.

The facts are taken from CRM No.M-6425 of 2017.

As per the complaint filed in this case under Section 138 and 142 of the Negotiable Instruments Act, in the year 2008-09, the accused took a sum of ₹1,10,00,000/- from the complainant and his brothers namely Sahab Singh, Rameshwar Singh, Karam Singh and Sher Singh and assured

the complainant to appoint his brother Sahab Singh as Regional Chairman

of the Task Force for North Zone from the Ministry of Food and also assured the complainant and his brothers namely Karam Singh, Rameshwar Singh and Sher Singh to appoint them as the members of the Task Force. The accused also assured the complainant to appoint his brother Sahab Singh as Chairman, North Zone, India for Human Rights Awareness Organization and his brothers namely Karam Singh, Rameshwar Singh and Sher Singh as members of the said organization and in this regard, the accused had supplied some documents regarding the appointment of complainant. Later on, it was revealed that all the documents supplied by the accused were fake and forged and there was no such Task Force Organization in existence. Upon this, the complainant and his brothers protested against the said illegal act committed by the accused and then accused issued six cheques to the complainant and his brothers, which on presentation for encashment, were returned back with the remarks 'Funds Insufficient'.

At the time of arguments, learned counsel for the petitioner only argued on one point that the consideration in this case is for illegal purposes as it will amount to giving the bribe for appointment to the post of Public Servant.

On this argument, I find that first of all it is nowhere in the complaint that the money was given for the appointment as public servant. Secondly, it is in the complaint itself that there is no such Task Force Organization etc. Thirdly, the documents supplied by the accused-petitioner were found to be fake and forged. At this stage, in no way, it can be held that the cheques were issued for the amount which was given for illegal purposes. Otherwise also, this is finding of fact which is to be given by the

trial Court on the basis of the evidence. In the quashing petition, the finding of facts cannot be given by this Court without any evidence.

In view of the above discussion, I find that no ground is made out for quashing of the complaint or the summoning order. In no way, it can be held that the filing of the complaint amounts to abuse of process of law or miscarriage of justice.

Therefore, finding no merit in all the petitions, the same are dismissed.

March 15, 2017	(INDERJIT SINGH)
Vgulati	JUDGE
Whether speaking/reasoned	Yes
Whether reportable	No