

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-7523 of 2017 (O&M)

.....

Date of decision:26.4.2017

Jagjit Singh

.....Petitioner

v.

Axis Bank Limited and another

.....Respondents

....

Present: Mr. Viney Puri, Advocate for the petitioner.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of the order dated 14.12.2016 (Annexure-P.6) passed by learned Additional Sessions Judge, Bathinda in Criminal Revision CIS No.28 of 2016, whereby the revision petition for setting aside the summoning order dated 30.1.2015 was dismissed, with further prayer for quashing the complaint dated 9.12.2014 bearing No.COMA2142/2014 titled as “Axis Bank Limited Versus Jagjit Singh” pending in the Court of learned Judicial Magistrate Ist Class, Bathinda (Annexure-P.1) and summoning order dated 30.1.2015 passed by the learned Judicial Magistrate Ist Class as well as complaint being illegal and arbitrary and cannot sustain in the eyes of law.

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

From the record, I find that a complaint was filed by Axis Bank

Limited against Jagjit Singh-present petitioner under Section 138 of the Negotiable Instruments Act, 1881 (as amended upto date) (hereinafter referred to as 'the NI Act').

It is mainly stated in the complaint that the accused approached the complainant and applied for grant of loan in nature of Agriculture Cash Credit facility and executed the relevant documents. The accused defaulted in making regular payment of the loan amount and issued cheque dated 10.11.2014 for ₹71,09,693/- as part payment in favour of the complainant which was dishonoured on presentation for encashment with the remarks "funds insufficient". Legal notice was given and when the amount was not paid within time, then the complaint was filed. The learned Judicial Magistrate Ist Class, Bathinda, vide order dated 30.1.2015 on the basis of preliminary evidence and in view of the original cheque dishonour memo Ex.C.3, legal notice Ex.C.4, postal receipt Ex.C.5 and in view of the fact that the accused failed to pay the amount within the prescribed period, summoned the accused on filing of PF/RC within three days for 17.4.2015. Aggrieved from this order, a revision petition was filed before the Court of Session and the learned Additional Sessions Judge, Bathinda, vide order 14.12.2016 dismissed the revision petition. Aggrieved from both these orders, the present petition has been filed for quashing of the complaint etc.

I have gone through the orders passed by both the Courts below. These orders are correct as per evidence and law. No illegality in the orders have been pointed out. At the time of the summoning of the accused the Court has only to see whether there are sufficient grounds to

proceed further. The Court below has also held that there are original cheque dishonour memo, legal notice, postal receipt and from the fact that the amount has not been paid within the prescribed period and finding prima facie case the Court below summoned the accused. No illegality has been committed by the Court, in any way, by passing the summoning order. Similarly, there is nothing on record that the filing of the complaint amounts to abuse of the process of law or amounts to miscarriage of justice. Therefore, finding no merit in the present petition for quashing of the summoning order or the complaint and the well reasoned order passed by the learned Additional Sessions Judge, Bathinda, the same is dismissed.

April 26, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No