

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1617 of 2017

Mohammad Abdul Hai, S/o. Late M.M. Khwaja, Aged About 63 Years, R/o. 11-5-334, Flat No.301, Heena Residency Red Hills, Police Station Nampally District Hyderabad, Telangana Pin 500004

---- **Petitioner**

Versus

Ramsawarup Chaurasiya, D/o. Late Ramasare Chaurasiya, Aged About 60 Years, R/o. Sukuma, District Sukuma Chhattisgarh.

---- **Respondents**

For Petitioner : Mr. Raj Kumar Gupta, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24.04.2018

Heard

1. The instant petition is against the issuance of summons under Section 138 of Negotiable Instrument Act and quashment has been sought on the ground that the complainant though has stated that he has issued two cheques bearing No. 966812 & 966813 for different amount but the documents which was filed alongwith complaint would show that the cheque number was different. Therefore, it revealed that the complainant himself is not in know of the fact for which cheque the amount has been claimed for.
2. It appears that immediately after issuance of the notice, the petitioner has rushed before this Court. The defence which has been raised by the petitioner cannot be accepted as gospel truth while adjudicating this petition under Section 482 of Cr.P.C. The petitioner is at liberty to raise all the grounds and explore the defence by the cross-examination as and when the occasion arises before the trial Court during the examination of the witness. At this stage, at the threshold the complaint under Section 138 of

Negotiable Instrument Act cannot be quashed only on the mere submission of the petitioner/ accused.

3. Accordingly, the petition has no merit and is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Ashok