

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**CRIMINAL WRIT PETITION NO.1122 OD 2017**

**(Shri Mumtaj UI Hakim s/o. Gulam Rasul vs. Sau Mallika w/o. Mumtaz UI Hakim )**

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 Office notes, Office Memoranda of  
 Coram, appearances, Court's orders  
 or directions and Registrar's orders.  
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Court's or Judge's Orders

*Mr. Mohammed A. Qureshi Advocate for the Petitioner.*

**CORAM** : B. R. GAVAI &  
 M. G. GIRATKAR, JJ.

**DATE** : 5.3.2018

1] Petitioner has approached this Court, praying for quashing of the proceedings for the offence punishable under Section 138 of the Negotiable Instruments Act. It is the contention of the Petitioner that, the cheque which is bounced has not been given on account of any legal dues.

2] As to whether the cheque was given towards payment of legal dues or not, is a matter of evidence, which can be gone into at the stage of trial.

3] No case is therefore made out for interference in extraordinary jurisdiction under Article 226 of the Constitution. Petition is rejected.

**JUDGE**

**JUDGE**