

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

126

CRM-M-10434-2018

Date of Decision: March 13, 2018

Munish Pruthi

.....Petitioner

versus

Ashu Pruthi & Sons

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL**

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Present: Mr. Manoj Pundir, Advocate  
for the petitioner.

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**Sudhir Mittal, J. (Oral)**

This petition has been filed under section 482 Cr.P.C. for quashing the impugned order dated 27.11.2017 (Annexure P-3).

2. Learned counsel for the petitioner contends that order Annexure P-3, dated 27.11.2017, is illegal inasmuch as opportunity to prove relevant bank entry has been denied to the petitioner.

3. The petitioner is being prosecuted under section 138 of Negotiable Instruments Act, 1881 and his defence is that the cheque issued by him to the complainant was by way of security as the complainant used to run a chit fund. The bank entry, according to learned counsel for the petitioner, would show that in fact the complainant used to run a chit fund because a sum of Rs.5 lacs has been deposited in his account by the complainant in April 2014.

4. The argument is not plausible as the concerned bank entry would only

show that the complainant had deposited a sum of Rs.5 lacs in the account of the petitioner but it cannot establish his defence that the cheque issued by him was a security cheque.

5. Thus, the learned trial Court has rightly observed that the bank entry is not relevant. That apart, although, the defence of chit fund was taken by the petitioner when he appeared as witness in his defence but has failed to produce the bank entry at that stage and therefore, he cannot be permitted to fill the lacunae, if any.

6. The petition has no merit and is accordingly dismissed.

March 13, 2018

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**[SUDHIR MITTAL]**  
**JUDGE**

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|-----------------------------|-----|
| Whether speaking/reasoned : | Yes |
| Whether Reportable :        | No  |