

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

**CRM NO. M-16742 of 2018
DECIDED ON : 11.05.2018**

Prem Chand

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Inderjit Sharma , Advocate,
for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking quashing of a criminal complaint bearing No.5446 of 2016/23.02.2017 under Section 138 of the Negotiable Instruments Act (hereinafter referred to as "the Act"), as well as summoning order dated 27.02.2017, whereby the petitioner has been summoned to face trial under Section 138 of the Act.

Learned counsel for the petitioner contends that the impugned order summoning the petitioner, shows non-application of mind as the petitioner has no dealing, whatsoever, with the complainant who is residing at a distance of about 170 kms from the petitioner's residence. He also contends that complainant Sarfaraz Ahmed is a close friend of Ram Lubhaya, against whom the petitioner is in litigation and has filed a petition bearing CRM No. M-43857 of 2016 (Annexure P-7), which is pending adjudication before this Court.

It is also contended that Ram Lubhaya had taken away those cheques.

Heard.

A perusal of the complaint, as well as the impugned order, shows that prima-facie all ingredients of offence under Section 138 of the Act are made out, inasmuch as the cheque which was issued by the petitioner was dishonoured on presentation due to insufficiency of funds. Statutory notice in this regard was issued to the petitioner and after expiry of the stipulated period under the Act and upon failure of the petitioner to make the payment of the cheque amount, the complaint has been filed.

In so far as the contentions of learned counsel are concerned, they would at the best raise disputed questions of fact which would be gone into by the trial Court after recording evidence in that regard.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

MAY 11, 2018
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Whether speaking/reasoned ?
Whether reportable ?

Yes/No
Yes/No