

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-18882 of 2017
Date of decision: 13.08.2018

Sunita Gupta

.. Petitioners

Versus

J.P. Singh Walia and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Samir Rathour, Advocate
for the petitioner.

Mr. Anuj Kumar Sharma, Advocate
for respondent no. 1.

Mr. Anil Kumar Lamdharia, Addl.P.P., U.T. Chandigarh.

SURINDER GUPTA, J.(Oral)

The petitioner has filed this petition under Section 482 Code of Criminal Procedure (for short, 'Cr.P.C.') seeking quashing of Complaint No. 7449 of 2016 dated 04.07.2016 (Annexure P-2), titled as “J.P. Singh Walia vs. Sunita Gupta” filed by respondent no. 1 for offences punishable under Sections 138 read with Section 142 of Negotiable Instruments Act, 1881 and summoning order dated 06.08.2016 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Chandigarh alongwith all consequential proceedings arising therefrom.

Heard.

The short issue raised by learned counsel for the petitioner is that petitioner is wife of Sant Ram Gupta, who as per case of complainant, had issued cheque bearing no. 024332 dated 25.04.2016 drawn on State Bank of Patiala (now State Bank of India), Chandigarh for an amount of ₹2 lakhs towards discharge of liability of Sant Ram Gupta and petitioner. That cheque on presentation got dishonoured. Petitioner is not signatory to the

cheque and no liability of petitioner, as per provisions of Section 138 of Negotiable Instruments Act, is made out.

Learned counsel for respondent no. 1 fairly concedes that petitioner, who is not signatory to cheque, is not liable for prosecution under Section 138 of Negotiable Instruments Act. She was arrayed as accused as the loan was jointly taken by her and her husband and cheque was also issued from joint account of the accused. He has no objection if the complaint qua petitioner may be quashed, leaving respondent no. 1 with liberty to avail other legal remedy available to him under the law against her and her husband.

In view of above, instant petition is allowed and Complaint No. 7749 of 2016 dated 04.07.2016 (Annexure P-2), titled as “J.P. Singh Walia vs. Sunita Gupta” and summoning order dated 06.08.2016 (Annexure P-3) alongwith all consequential proceedings arising therefrom, qua petitioner, are quashed.

August 13, 2018

jk

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No