

113.

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

CRM-M-31165-2018

Date of decision:25.07.2018.

RUPINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Gagandeep Singh Virk, Advocate,
for the petitioner.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 482 Cr.P.C. is to quash the complaint filed by respondent No.3 under Section 138 of the Negotiable Instruments Act (for short, 'the Act') and further a direction to the official respondents to register a criminal case against respondent No.3.

Learned counsel for the petitioner has argued that bag of the petitioner which contained certain important documents including two stamp papers, two cheque books (one cheque book starts from cheque Nos.000016 to 000030 and the other from 000031 to 000045) of Bank of Baroda Branch, Samrala road, Ludhiana issued in the name of petitioner in his account No.19590100007265, and a Pan Card, was misplaced at Ludhiana. Accordingly, petitioner had lodged a DDR on 01.02.2017. Even the Bank was informed on 28.01.2017 for stopping the payment from his bank account against the aforesaid cheques, so that the cheques of the petitioner may not be misused by any person by forging them. However, on

from respondent No.3 who had illegally forged one cheque No.000024 out of the aforesaid series of cheques lost. Though in a complaint filed under Section 138 of the Act, petitioner has appeared and had been admitted on bail, but the police has not taken any action against the respondent, who has misused the lost cheque.

Heard learned counsel for the petitioner.

Though DDR dated 01.02.2017 has been placed as Annexure P-1, but there is no whisper either in the DDR or in the petition that the cheques were blank or signed. The plea of lost cheque can only be considered in the pending proceedings under Section 138 of the Act. The loss of cheque is virtually a defence of the petitioner. So once it has not been disputed that the cheque was signed by the petitioner, this Court finds that the complaint filed by the respondent No.3 is not liable to be quashed summarily. It is for the trial Court to appreciate the evidence and to act in accordance with law.

In view of above, this Court does not find any merit in the present petition and the same is, accordingly, dismissed.

(HARI PAL VERMA)
JUDGE

25.07.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No