

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 73 of 2019**

- Subhash Rai (Proprietor Of The Partner M/s Devarshi Construction) S/o D.S. Rai Aged About 45 Years A-5 Class Contractor R/o Roy Colony, Shatti Para Chowk Ambikapur District Ambikapur Chhattisgarh

---- Petitioner

Versus

- Keshav Das R Jadwani S/o Late Ram Chandra Jadwani R/o Varun Kunj, A-16 New Puraina, P.S. Telibandha, Tahsil And District Raipur Chhattisgarh

---- Respondent

For Petitioner : Shri Badruddin Khan, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/03/2019

1. Heard.
2. The present petition is for quashing the proceeding pending under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as the N.I. Act) on the ground that during the proceeding under Section 138 of the N.I. Act, certain documents were filed by the complainant/respondent, which were forged. It is contended that alleging the said documents to be forged, a writ petition was filed, wherein notices were issued, therefore, the trial Court could not have proceeded further.
3. Prima facie, the nature of argument made that till the WPC No.3388/2018 is decided by the Court, the complaint case bearing No.236/2011 may be stayed

cannot be appreciated. It is a settled preposition that if certain fabricated documents have been adduced during the course of trial then the same issue cannot be directly agitated before the High Court in exercise of powers under Article 226 of the Constitution of India. The Cr.P.C. lays down the procedure to redress the grievance, which the petitioner may avail. This Court is not inclined to entertain the petition as being not tenable. Accordingly, the petition is dismissed. However, the petitioner shall be at liberty to take the appropriate remedy as available to him under the law.

Sd/-

Goutam Bhaduri
Judge

Ashu