

CRM-M-18888 of 2018

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

CRM-M-18888 of 2018
Date of Decision: 05.02.2019

Jaswant Singh

...Petitioner

Versus

Vijay Kumar Chauhan

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. J.S. Dadwal, Advocate, for the petitioner.
None for the respondent.

RAMENDRA JAIN, J. (ORAL)

Through instant petition under Section 482 Cr.P.C. prayer has been made for quashing criminal complaint No.333/2018 dated 12.01.2018 titled as “Vijay Kumar Chauhan v. Juris Retail Multitrade Pvt. Ltd. and others” under Section 138 of the Negotiable Instruments Act pending in the Court of learned Judicial Magistrate Ist Class, Faridabad and summoning order dated 12.01.2018, summoning the petitioner in the aforesaid complaint.

Learned counsel for the petitioner *inter alia* contends that petitioner was neither signatory of the cheque nor was he director of the company at the time of issuance of cheque in question, because petitioner had resigned in the year 2014, much prior to the issuance of cheque.

Heard.

Since respondent is not coming forward to negate the above plea of the petitioner, despite his service, as per office report for

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27.09.2018, therefore, *prima facie* believing above version of the petitioner as true, aforesaid complaint as well as summoning order dated 12.01.2018 is quashed qua him for the time being with the observation that in case, any material or documentary evidence comes against the petitioner, during trial, showing his complicity and responsibility, in that eventuality, trial Court shall summon him afresh to face trial.

Disposed of.

February 05, 2019
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No