

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

C.R.M-M No.26201-2016 (O&M)
Date of Decision : 3.4.2019

Jagjit Singh

..... Petitioner

Versus

Raj Kumar

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

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

 Mr. Susheel Gautam, Advocate
 for the respondent.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of summoning order dated 31.3.2016 for commission of offence under Section 138 N.I. Act in criminal complaint case No. 206/2015 and consequential proceedings arising therefrom.

The ground taken by the learned counsel for the petitioner is that petitioner was not the drawer of the cheque and as per the complainant, both the petitioner and the co-accused had induced him to invest money in real estate deal and the complainant had given a cheque of Rs.11 lakhs to the co-accused and paid a sum of Rs.4 lakhs to both the petitioner and the co-accused. The deal fell through and co-accused issued a cheque of Rs.15 lakhs to repay to the complainant which was disowned.

Counsel for the petitioner states that petitioner is neither a partner nor has any other formal association with the case. He has relied upon the judgment of the Supreme Court passed in the matter of “**Aparna A. Shah (Mrs.) Vs. M/s Sheth Developers Pvt. Ltd. and Anr.**” reported as **2013 X AD (S.C) 505.**

Learned counsel for the complainant has argued that petitioner has fraudized him and two other similar FIRs are lodged against him.

In my opinion, the case is covered with the judgment of Aparna A. Shah (supra). Consequently, this petition is allowed and the summoning order dated 31.3.2016 for commission of offence under Section 138 N.I. Act in criminal complaint case No. 206/2015 and all consequential proceedings arising therefrom are quashed qua the petitioner.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

3.4.2019

anuradha

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No