

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16232-2019
DECIDED ON: 09.04.2019

CHANCHAL GULATI

...PETITIONER..

VERSUS

RANDHIR CHAUDHARY

...RESPONDENT..

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Sumeet Singh Brar, Advocate,
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Prayer in this petition under Section 482 Cr.P.C. has been made for quashing criminal complaint No.NACT-857/2015 dated 26.11.2015 filed under Sections 138/141 read with Section 142 of Negotiable Instruments Act, 1881 (for short, "Act") and Section 420 IPC (P-1) as well as summoning order dated 08.01.2016 (P-4) and all subsequent proceedings arising thereof.

Learned counsel contends that petitioner is neither the signatory nor the account holder of the cheque in question issued to the respondent-complainant. She has falsely been implicated as accused in complaint under Section 138 of the Act filed by the respondent. The alternative remedy available to the respondent was to file civil suit against the petitioner. In support of his contention, he has placed

reliance upon judgment of this Court titled as "*Smt. Bandeeep Kaur vs. S.Avneet Singh*", 2008(2) RCR (Criminal) 66.

Learned counsel has not disputed that the petitioner is one of the signatories of the agreement to sell in favour of respondent-complainant. Therefore, it is apparent that she is also jointly and severally liable to discharge liability along with her husband, for the amount they took from the respondent-complainant as earnest money, who issued the cheque in question to discharge their joint liability, which on presentation bounced.

The facts and circumstances of the case referred to above are completely distinguishable from the facts and circumstances of the instant case. Therefore, no benefit of the same can be given to the petitioner.

Dismissed.

09.04.2019

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**(RAMENDRA JAIN)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes/No
Yes/No**