

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

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CRM-M-16721-2019
Date of Decision : 2.5.2019

Tarnjeet Kaur

....Petitioner

vs.

Ankit Knitwears

...Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Abhijeet P.S.Chaudhary, Advocate
for the petitioner.

Mr. Onkar Rai, Advocate
for the respondent.

AJAY TEWARI, J. (Oral)

This petition has been filed for quashing of the complaint bearing No. COMA-15747-2018 dated 14.11.2018 under Section 138 of Negotiable instruments Act, 1881 (for short 'the NI Act').

Brief facts of the case are that the respondent had filed a complaint against petitioner and her husband in respect of two cheques bearing cheque No. 018908 dated 16.8.2017 for Rs.50,000/- and No.018910 dated 16.9.2017 for Rs.1,00,000/- which were issued by the husband of the petitioner from a joint account of them. Summoning order having been issued, the petitioner is before this Court.

Learned counsel for the petitioner has argued that the business is owned by the husband of the petitioner and in fact in paragraph No.2

of the complaint, the respondent specifically has stated that the husband of the petitioner is the sole proprietor of the business. Merely because the husband of the petitioner has issued a cheque from a joint account (which were never signed by the petitioner), it would not bring the petitioner within the ambit of the Section 138 of NI Act.

Learned counsel for the respondent has argued that actually the petitioner is jointly running business alongwith her husband. I am afraid this argument would not cut much ice when the respondent admitted in the complaint that the husband of the petitioner is the sole proprietor of the business and secondly, it is also admitted by the respondent that the petitioner did not sign the cheque. Merely because the cheque was issued from a joint account of petitioner and her husband would not be enough to foist liability on the petitioner.

Consequently, the petition is allowed and the summoning order dated 20.11.2018 is quashed qua the petitioner.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

2.5.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No