

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

CRM-M-43218-2018 (O&M)

Date of decision-30.10.2019

Ajmer Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Nandan Jindal, Advocate for the petitioner.
Mr. Ramdeep Partap Singh, DAG, Punjab.
Mr. Amrinder Kumar Garg, Advocate
for respondent Nos.6 and 7.

MANOJ BAJAJ, J. (Oral)

Petitioner-Ajmer Singh has filed this petition under Section 482 Cr.P.C for issuance of directions to the official respondent Nos.1 to 5 for registration of the FIR against private respondent Nos.6 and 7 who allegedly misappropriated the signed cheques and documents given to them by petitioner in good faith. It is further prayed that the official respondent Nos.4 and 5 be restrained from marking inquiry into the matter before the registration of the case.

Learned counsel for the petitioner contends that the blank signed cheques belonging to the account of the petitioner were mis-utilized by respondent Nos.6 and 7. According to him, relations between the parties were cordial and petitioner had faith upon respondent Nos.6 and 7, therefore, he never objected for keeping the passbooks and cheque books with respondent No.7. As per the pleadings in the petition, one of those cheques

bearing No.661279 issued in the name of Nirbhey Singh for a sum of Rs.17 lacs and another cheque bearing No.663912 for a sum of Rs.18 lacs issued in the name of Ranjit Singh, have been misused. It is contended that the complaint dated 05.12.2015 (Annexure P-3) was given to the Police whereupon inquiry was conducted, however, no FIR was registered.

On the other hand, prayer is opposed by learned State counsel by filing the reply by way of an affidavit of Harsimrat Singh, PPS, Deputy Superintendent of Police, Samrala, Police District Khanna. As per the reply, a complaint filed by Nirbhey Singh under Section 138 of Negotiable Instruments Act, 1881, whereby, A.D.A, Khanna was directed by SSP, Khanna to get the explanation from respondent No.8 and after getting the same, legal opinion was submitted before the SSP Khanna which was seen and filed. During the course of hearing, it is not disputed by learned counsel for the petitioner that the said complaint was pending.

After hearing learned counsel for the parties, this Court finds that the issue raised by the petitioner has already been looked into by the Police, wherein nothing cognizable was found. Not only this, ground of misuse of the cheque can be raised by the petitioner in his defence before the Court in those complaint cases.

In view of the above, petition is dismissed.

30.10.2019

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(MANOJ BAJAJ)**JUDGE**

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No