

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

CRM-M-21688-2019

DATE OF DECISION:-13.05.2019

DESIGNO GRAFICO

...PETITIONER...

V.

STATE OF UT CHANDIGARH AND ANR. ...RESPONDENT...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Roopak Bansal, Advocate,
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing of order dated 24.04.2019 (P-7), whereby, application under Section 210 Cr.P.C. filed by the petitioner for staying the proceedings in a complaint case under Section 138 of the Negotiable Instruments Act, 1881 (for short, "Act"), has been dismissed.

Heard.

Initially, the petitioner moved an application under Section 210 Cr.P.C., to stay the proceedings in complaint case under Section 138 of the Act filed by Inderjit Singh Walia, who was later on added as accused in FIR No.192 dated 16.06.2017, under Sections 420 and 120-

B IPC, at Police Station Sector 34, Chandigarh, lodged by wife of the

petitioner against one Tarun Kumar Khera, Ms. Mohini Singh and Savreet Singh, Surinder Negi-Branch Manager etc., on the ground that he was partner of Tarun Kumar Khera. The main point of defence of the petitioner in complaint case under Section 138 of the Act against it is the aforesaid FIR, wherein wife of the petitioner has taken a plea that her cheques were stolen and misused, whereas, complaint under Section 138 of the Act has been filed against the petitioner being signatory of the cheque in question. The trial court has rightly observed that FIR case against the petitioner is altogether different from the complaint under Section 138 of the Act. Therefore, proceedings cannot be stayed. The impugned order is perfectly legal and this Court is not inclined to differ with the same.

Dismissed.

13.05.2019

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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:

Yes/No

whether reportable:

Yes/No