

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

**CRM-M-45288 of 2016 (O&M)
DECIDED ON: 05.02.2019**

AMRITPAL SINGH

..PETITIONER

VERSUS

RAHUL AHUJA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Vikas Bahl, Sr. Advocate with
Mr. Manbir Singh Batth, Advocate,
for the petitioner.

Mr. Gurcharan Dass, Advocate,
for the respondent.

RAMENDRA JAIN, J. (ORAL)

Through instant petition under Section 482 Cr.P.C. prayer has been made for quashing/setting aside complaint No.2589/342 dated 21.04.2014 registered under Section 138 of the Negotiable Instruments Act, 1881 and 420 IPC (P-1) and summoning order dated 05.05.2014 (P-5) as well as order dated 16.10.2014 (P-8) along with all subsequent proceedings.

Learned counsel for the petitioner contends that the complaint of respondent-complainant was not maintainable, inasmuch as, cheque in question had not bounced on account of insufficient funds, rather was returned by the banker of respondent-complainant on the ground

that the same was post-dated. In support of his contention, he has placed reliance upon judgment of Hon'ble Supreme Court, titled as ***"Vinod Tanna vs. Zaheer Siddiqui"***, 2002(1) RCR (Criminal) 622 as well as of this Court passed in CRM-M-3629-2010, titled as ***"Inder Pal Singh vs. Pankaj Bhardwaj"***, 2010 (18) RCR (Criminal) 435.

On the other hand, learned counsel for the respondent vehemently opposed the above submission and prays for dismissal of instant petition.

Heard at length.

The matter in controversy between the parties requires appreciation of evidence so to be led or already led by the parties before the trial court. Therefore, it cannot be decided here, inasmuch as, it can only be decided by the trial court.

Accordingly, the petitioner is relegated to the trial court to raise all the pleas, which have been raised in the instant petition, at appropriate stage.

Disposed of.

05.02.2019

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**(RAMENDRA JAIN)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes/No
Yes/No**