

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

CRM-M-46386-2016

DATE OF DECISION:-21.02.2019

RAJESH RANA

...PETITIONER...

V.

**M/S GUPTA TRADING CO.,
COMMISSION AGENT**

...RESPONDENT...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Gaurav Mohunta, Advocate for the petitioner.

Mr. Arun Bansal, Advocate for the respondent.

RAMENDRA JAIN, J. (ORAL)

The petitioner has not complied with his voluntary undertaking given on 21.01.2019 through his counsel to deposit 20% of the cheque amount within a period of one month. Therefore, the instant petition is dismissed for want of prosecution.

That apart, from the contents of the petition, it can be gathered that present petition is a mala fide device of the petitioner to usurp the cheque amount, inasmuch as, in a cheque bouncing case, appreciation of evidence is required. Therefore, at the threshold, without any evidence, complaint under Section 138 of the Negotiable Instruments Act, 1881 can't be quashed in a petition under Section 482 Cr.P.C. It is a clever attempt of the petitioner to usurp the cheque amount.

21.02.2019

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**(RAMENDRA JAIN)
JUDGE**

whether speaking/reasoned:

Yes/No

whether reportable:

Yes/No