

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-54360-2018 (O&M)

Date of Decision:-8.2.2019

Paramjit Kaur

... Petitioner

Versus

Gurmeet Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ajay Pal Singh, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner seeks quashing of criminal complaint No.352 dated 10.8.2018 (Annexure P-1) registered under Section 138 of Negotiable Instrument Act, 1881 and also the summoning order dated 10.8.2018 (Annexure P-3) passed by learned Sub-Divisional Judicial Magistrate, Jagraon.

It has *inter alia* been argued that the complaint apparently has been lodged on the basis of concocted allegations as would be evident from the fact that although the loan is stated to have been for an amount of ₹2.40 lacs in the year 2017 but the alleged cheque issued after more than one year for repayment of the loan is for the same amount without there being any interest. It has further been submitted that the amount in question is stated to have been paid in cash, whereas the same is against the provisions of Income Tax Act as any amount more than ₹20,000/- is supposed to be paid by way of a cheque. It has also been argued that the legal notice does not disclose the

existence of any legal liability and that infact it is a case of blatant misuse of blank cheque, given by the accused at an earlier point of time.

After arguing for some time, the learned counsel for the petitioner submits that he may be permitted to withdraw the present petition with liberty to raise all the points raised herein before the trial Court at appropriate stage.

In view of the aforesaid submission, the present petition is dismissed as withdrawn with liberty aforesaid. The trial Court is, however, directed to probe the possibility of a compromise and to refer the matter to the Mediation and Conciliation Center, so that the matter may be amicably resolved if there are chances of some amicable settlement.

8.2.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No