

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

CRM-M-29095-2019 (O&M)
Date of Decision:- 15.7.2019

Manil Kaushik ... Petitioner

Versus

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Raj Kumar Gupta, Advocate, for the petitioner.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking quashing of order dated 5.6.2019 (Annexure P-9), passed by Superintendent of Police, Jind (respondent No.2) alleging the same to be without jurisdiction, vague, indefinite, non-speaking and cryptic in nature.
2. Petitioner-Manil Kaushik, alleges that he along with Surender Kumar were partners and were contractors under the name and style of M/s The Mangalpur Kaushik Cooperative Labour and Construction Society Ltd., Mangalpur. It is alleged that while Surinder Kumar used to look after the accounts and official transactions of the society,

the petitioner is used to handle the work at the site. It is alleged that Surinder Kumar was a clever person having dishonest intentions to defraud the petitioner from the very beginning and had taken a blank cheque book duly signed from the petitioner in June, 2018 in his absence regarding which the petitioner filed a complaint with the police but the police did not take any action. It is further the case of the petitioner that thereafter said Surinder Kumar started misusing the cheques by filling up the same in his own hand-writing and also gave some cheques to Jai Bhagwan, Jagbir Singh, Sumit Kaushik, Mukesh, Rajesh and Alok, who have all issued notices to the petitioner for alleged dishonour of cheques. It is further the case of the petitioner that in fact the said Surinder Kumar is in possession of 9 cheque books bearing Nos.440631 to 440730, 306971 to 307070, 139051 to 139075, 205636 to 205735, 98276 to 98375, 938626 to 938725, 1231 to 1240, 1201 to 1210, 862951 to 863050 out of which 84 blank cheques are signed by the petitioner.

3. The petitioner had earlier approached this Court by way of filing CRM-M-15343-2019, which was disposed of vide order dated 3.4.2019. The relevant extract of which read as follows:

“Having heard the learned counsel for the petitioner and without commenting anything on merits of the case, the petition is disposed of with a direction to respondent No.2-Superintendent of Police, Jind, District Jind to look into the matter and to dispose of the representation dated 30.1.2019 (Annexure P-7), moved by petitioner expeditiously in accordance with law.”

4. Pursuant to issuance of the aforesaid order dated 3.4.2019, Superintendent of Police, Jind, looked into the matter and passed an order dated 5.6.2019 (Annexure P-9) which reads as follows:

“ORDER

Whereas this order is being passed in compliance with order dated 15.4.2019 issued by Hon’ble Punjab and Haryana High Court in Criminal Misc. No-15343 of 2019 titled Manil Kaushik Vs. State of Haryana and others vide which the undersigned was directed to look into the representations of the petitioner. Thereafter, vide this office letter No.17362 dated 15.04.2019 Deputy Superintendent of Police, Narwana was directed for necessary inquiry and report.

Whereas, the Deputy Superintendent of Police, Narwana vide report dated 27.05.2019 has informed the office that during the course of enquiry proceedings it has been found that the matter relates to money transaction and litigation under 138 NI Act are pending among parties in various courts and no cognizable offence has been made out. The allegations leveled in the complaint, Annexure P-7, have not been substantiated.

In view of the facts and circumstances mentioned above, there is no merit in the representation of Manil Kaushik petitioner and the same is hereby filed, being devoid of merits. A copy of this order be delivered to the petitioners free of cost, under proper receipt.

Sd/- (Ashwin Shenvi)
Sr. Superintendent of Police
Jind”

5. Learned counsel for the petitioner has submitted that the aforesaid order dated 5.6.2019 (Annexure P-9) cannot be said to be fully complying with the directions issued by this Court vide order dated

3.4.2019, inasmuch as the inquiry has not been conducted by the Superintendent of Police, Jind, himself and that in fact no proper inquiry had been conducted and a non-speaking order, dismissing the representation of the petitioner had been passed. Learned counsel has further submitted that it was a routine practice amongst the partners to take a large number of cheque books and to keep blank cheques duly signed undated so as to use the same in case of any emergency even in the absence of the other partner, but his partner had chosen to misuse the blank cheques.

6. I have considered the submissions addressed before this court and have also perused the impugned order as well as the earlier order passed by this Court. The matter having been got examined by Superintendent of Police, Jind, and a decision having been taken that in fact it is a case of some monetary transactions regarding which litigation under Section 138 of Negotiable Instruments Act, is pending and thus finding the representation to be devoid of merits, the Superintendent of Police, Jind, has taken a decision for filing the representation.
7. In view of the aforesaid position and while noticing that the dispute mainly pertains to some monetary transactions wherein the petitioner alleges that as many as 9 of his cheque books had been taken away by his partner including 84 blank cheques duly signed by the petitioner, and the police not having found any *prima facie* evidence to proceed further with the matter, the petition is disposed of with liberty to the petitioner to file a private complaint, if so advised. It is however,

made clear that neither this order nor the order passed by Superintendent of Police, Jind (Annexure P-9) shall be construed to be any expression as regards the veracity of the allegations being levelled by the petitioner against accused Surinder Kumar and in case any complaint is filed by the petitioner, the trial Court shall proceed with the matter without being influenced by passing of impugned order (Annexure P-9) by Superintendent of Police, Jind.

8. The present petition stands disposed of accordingly.

July 15, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No