

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

113

CRM-M-46890 of 2019

Date of decision:2.11.2019

Gori Shankar Chowdhary

... Petitioner

versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.H.P.S.Rahi, Advocate,
for the petitioner

...

AMOL RATTAN SINGH, J. (Oral)

Though learned counsel for the petitioner points to the order passed by this Court (coordinate Bench) in CRM-M-23555 of 2018 on 30.5.2018 (copy Annexure P-6), whereby the SSP, Mohali, had been directed that if and when any representation is moved by the petitioner, the same would be looked into and if some action was found to be warranted, it would be taken at the earliest, I do not see how that would entitle the petitioner to quashing of the complaint instituted by respondent no.2 herein against the petitioner, under the provisions of Section 138 of the Negotiable Instruments Act, 1881, with the cheque issued in favour of the complainant not having been denied to be signed by the petitioner, though of course his contention is that it was obtained from him by extortion.

If that is so, it is something which needs to be proved by way of any evidence that the petitioner would lead to that effect, before the trial Court.

Learned counsel has also submitted that the petitioner never received the legal notice issued on behalf of the respondent-complainant, in terms of the provisions of the aforesaid Act, which again is a matter to be proved before the trial Court.

Consequently, without making any comment whatsoever on the actual merits of the case, for or against the petitioner, I see no reason to entertain this petition, which is dismissed.

2.11.2019
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No