

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

CRM-M-9223-2020 (O&M)

Date of Decision:-2.3.2020

Hakam Singh

... Petitioner

Versus

Ami Singh @ Amiya Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Dushyant Bhardwaj, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this seeking quashing of complaint bearing No.NIACT-1303-2019 (Annexure P-1) under Section 138 of Negotiable Instruments Act as well as summoning order dated 19.10.2019 (Annexure P-2) passed by learned Judicial Magistrate 1st Class, Kaithal.
2. The learned counsel for the petitioner has submitted that in the present case, the cheque in question was dishonoured with the remarks 'payment stopped by drawer'. The learned counsel for the petitioner has submitted that the petitioner had lost the cheque in question alongwith cheques bearing No.76231, 76233 to 76235 and 76237 to 76239 on 4.5.2019 and had intimated his bank on 4.5.2019 regarding the said lost, whereas the cheque in question is stated to have been issued on 11.7.2019 i.e. much after the reporting of loss of the cheque.
3. I have heard the learned counsel for the petitioner.

4. The aforesaid contention of the petitioner that the petitioner had lost certain number of cheques i.e. cheques bearing Nos. 76231, 76233 to 76235 and 76237 to 76239 on 4.5.2019 is a matter which would form part of his defence and is a matter which can be duly looked into after evidence is led by both the parties including the petitioner, especially since the petitioner has not even been able to show anything to this Court as to whether he had reported the matter regarding loss of the cheques to the police or not by getting any DDR recorded.
5. In view of aforestated reasons, this Court does not find any ground for quashing the complaint or the summoning order. The petition is sans merit and is hereby dismissed.

2.3.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No