

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

CRM-M-11788-2020 (O&M)

Date of decision: 19.03.2020

Anooj Pathak

...Petitioner

Versus

Rahul Mehra

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Anandeshwar Gautam, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

By way of filing the present petition, Petitioner Anooj Pathak seeks quashing of complaint under Section 138 of the Negotiable Instruments Act filed by the respondent against him titled 'Rahul Mehra Vs. Anooj Pathak', pending in the Court of Judicial Magistrate Ist Class, Kharar as well as summoning order dated 06.12.2019.

The petitioner/accused had remedy of filing a revision petition against the summoning order, which it appears has not been availed of. The Apex Court in judgment **Mohit @ Sonu and Anr. Vs. State of U.P. & Anr. 2013 (3) RCR (Criminal) 673** has observed that when there is a specific remedy provided by way of appeal or revision, the inherent powers under Section 482 Cr.P.C. cannot and should not be resorted to.

In **Ramesh Kumar Thind Vs. Lakhvir Singh** in CRM-M-31268-2014 decided on 10.09.2014 by a Single Judge of this Court under somewhat in similar circumstances, the petitioner was relegated to the remedy of raising all the pleas before the trial Court.

To similar effect is the judgment passed by Delhi High Court in **Arvind Kejriwal & Ors. Vs. Amit Sibal & Anr.** in CRL.M.C.-5245-2013 and CRM-A-18920-21 of 2013 decided on 16.01.2014, wherein the petitioners were relegated to the remedy of raising all the pleas before the Trial Magistrate. Therefore, the present petition is disposed of relegating the petitioner to the remedy of raising all these pleas before the trial Court at any appropriate time/stage.

19.03.2020

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No