

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-32231-2016

Date of decision: 03.03.2020

Ajaibir Singh

..... Petitioner

Versus

Jatinder Kumar Arora

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Aalok Jagga, Advocate for the petitioner.

None for the respondent.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing complaint bearing COMA/1061/2016 (Annexure P-1) filed by respondent against the petitioner under Section 138 of the Negotiable Instruments Act, 1881 (for short-'the Act'), titled as 'Jatinder Kumar Arora Vs. Ajaibir Singh',; summoning order dated 21.03.2016 (Annexure P-3) and all subsequent proceedings arising therefrom, against the petitioner.

Briefly, respondent-complainant filed a complaint (Annexure P-1) under Section 138 of the Act against the petitioner. After recording preliminary evidence, trial Court summoned the petitioner to face trial vide order dated 21.03.2016 (Annexure P-3).

Learned counsel *inter alia* contends that petitioner is neither

the signatory nor account holder of the cheque in question. He has falsely been prosecuted by the respondent and summoned by the trial Court. Account to which cheque in question, pertains, is of one Mr. Anzari, not of the petitioner.

Having given thoughtful consideration to the submissions of learned counsel for the petitioner, this Court finds that instant petition merits acceptance for the reasons to follow:

The respondent despite his effective service did not choose to contest the instant petition. Cheque in question (Annexure P-4) is not allegedly signed by the petitioner. As per certificate (Annexure P-5) issued by Branch Manager, Chandigarh Branch, State Bank of Travancore, the cheque in question pertains to saving account of one Mr. Anzari, whereas name of the petitioner is Ajaibir Singh. Thus, it is apparent that complaint (Annexure P-1) of the respondent seems to be filed against a wrong person i.e. petitioner.

In view of the above, instant petition is allowed. Complaint bearing COMA/1061/2016 (Annexure P-1); summoning order dated 21.03.2016 (Annexure P-3) and all subsequent proceedings arising therefrom, against the petitioner, are quashed.

March 03, 2020
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No