

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

CRM-M No. 50455-2021
Reserved on 28.04. 2022
Pronounced on: July 14, 2022

Manta Rani

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. A.S. Srawaan, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana

ANOOP CHITKARA J.

The petitioner claims that she had given Rs. 3,10,000/- to the accused respondent no.4, on his promise to secure her a job, and as an assurance, he had handed over a cheque for the same amount which would be able to present in case the accused fails to provide the job. Having failed to get her a job, the petitioner presented the cheque in her account; however, it bounced, after which she issued a legal notice and subsequently filed a complaint under section 138 of the Negotiable Instruments Act/ However, vide judgment dated 30-1-2020, the said complaint was dismissed.

The petitioner also filed a complaint for cheating against the fourth respondent because he took money on the misconception of fact, making her believe that he would secure her a job. On failure of the police to register an FIR, she has come up before this court.

The State has filed its reply, and its stand is that on identical allegations, the complaint under section 138 of NIA stands dismissed, and no case for registration of FIR is made out.

Given the aforesaid undisputed factual position, once the complainant has filed a complaint for a cheque on the same set of identical allegations, no illegality can be found in the non-registration of FIR by the concerned SHO. It is clarified that this observation does not restrict the complainant's statutory rights to filing a criminal complaint before the court

having such territorial jurisdiction.

Petition dismissed in the terms mentioned above, with liberty reserved.

(ANOOP CHITKARA)
JUDGE

July 14, 2022
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Whether speaking/reasoned: Yes
Whether reportable: **No.**