

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

CRM-M-18741-2022 (O&M)  
Date of Decision: 12.09.2022

Harbhajan Kaur

....Petitioner

Versus

Satwant Singh

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Tribhawan Singla, Advocate, for the petitioner.

**HARNARESH SINGH GILL, J. (Oral).**

The petitioner lays challenge to the order dated 09.03.2022 (Annexure P.4) passed by the learned Judicial Magistrate, Ist Class, Nakodar, whereby an application filed by the respondent-complainant, seeking amendment of the complaint, has been allowed.

Learned counsel for the petitioner vehemently argues that once the complaint was filed by the respondent-complainant, the same could not be sought to be amended later on, especially when there is no provision in the Code of Criminal Procedure for amendment of the complaint. Still further, it is submitted that even an affidavit of evidence in the preliminary evidence was also filed with the complaint and thus, the application seeking amendment was not maintainable and hence, the trial Court has committed patent illegality in allowing the said application.

Having heard learned counsel for the petitioner and after going through the impugned order, I find no merit in the present petition.

A perusal of the impugned order would reveal that the amendment sought was in respect of the 'typographical errors' and the amount and date sought to be corrected in the complaint, were already part of the record contained in the cheque and the legal notice. Such aspect has been noticed by the trial Court, which reads as under:-

“.....The present complaint has been filed by the complainant for the dishonouring of the cheque No. 043916 dated 02.05.2018 for the amount of Rs.3 Lacs issued in his favour by accused. The original cheque in question Ex.C1 and the cheque return memo Ex.C2 are also reflecting the same amount of Rs.3 Lacs. The perusal of legal notice dated 21.05.2018 Ex.C3 issued to accused reveals that the amount of cheque dated 02.05.2018 has been mentioned as Rs.3 Lacs. Therefore, from the scrutiny of documents including cheque in question, cheque return memo and legal notice, it is clear that the cheque in question in the present case amounts to Rs.3 Lacs and the legal notice was issued by complainant to accused on 21.05.2018. As such, it appears that the mistakes occurred in the amount of cheque in question dated 02.05.2018 and in the date of issuance of legal notice in the above mentioned paras of complaint are mere typographical errors. It is also apparent from record that accused is single person and 'are' has been used in para no.9 inadvertently.”

The trial Court while passing the impugned order relied upon the judgment of the Hon'ble Apex Court in S.R. Sukumar Vs. S. Sunaad Raghuram, 2015(3) Criminal Court Cases 577.

On the last date of hearing i.e. 27.07.2022, learned counsel for the petitioner had sought time to go through the said judgment. However, today, learned counsel for the petitioner could not point out anything contrary so as to find fault with the impugned order.

This Court does not find any illegality in the order impugned herein. As noticed above, the amendments sought were very much part of the record and it cannot be said that such amendment would change the very nature of the complaint. Even if the affidavit filed with the complaint earlier, contained the same details as that in the un-amended, but once, amendment has been allowed, the affidavit of evidence would also be read in conjunction and not independently.

No other point has been urged.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

12.09.2022  
ds

**(HARNARESH SINGH GILL)**  
**JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |