

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

CRM-M-6882 of 2021

Date of decision: 12th September, 2023

Gurjinder Singh

Petitioner

Versus

Vinay Kumar Setia

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Satyam Arora, Advocate for
Mr. C. M. Munjal, Advocate for the petitioner.
Mr. Rajinder Yadav, Advocate for
Mr. Salil Dev Singh Bali, Advocate for the respondent.

AVNEESH JHINGAN, J (Oral):

1. This petition is filed seeking quashing of complaint No. NACT 384 of 2019 dated 15.6.2019, under Section 138 of the Negotiable Instruments Act, 1881, (for short, 'the Act') titled as '***Vinay Kumar Setia v. Gurjinder Singh***'.

2. Learned counsel for the petitioner submits that the parties had relationship of lessor and lessee. The dispute between the parties was referred to Lok Adalat on 8.9.2018. The matter was settled and the petitioner had to pay Rs.10,00,000/- to the respondent. On presentation the cheque issued for part payment of Rs.10,00,000/- was dishonoured on presentation however later the amount as per the settlement was paid.

3. The respondent has not filed reply despite availing number of opportunities. Learned counsel for the respondent in the absence of any specific instructions is not in a position to refute the contention raised by learned counsel for the petitioner.

4. The contention raised by learned counsel for the petitioner is a defence available to the petitioner in complaint under Section 138 of the Act which is to be substantiated by evidence. The present petition is filed

at an initial stage of summoning.

5. As factual question is to be decided, the petition is disposed of with liberty to the petitioner to raise the pleas raised in this petition in the complaint proceedings at an appropriate stage.

[AVNEESH JHINGAN]
JUDGE

12th September, 2023
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1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No