

Date of decision: 4th October, 2023

1. **CRM-M-39820-2022**

Hardeep Singh

...Petitioner(s)

Versus

Davinder Singh

...Respondent(s)

2. **CRM-M-39483-2022**

Hardeep Singh

...Petitioner(s)

Versus

Davinder Singh

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. V.K. Sandhir, Advocate for the petitioner(s).

AVNEESH JHINGAN, J (Oral):

1. These petitions are filed seeking quashing of order dated 2nd August, 2022 allowing the application to place on record memo of cheque bearing No. 000001 dated 8th August, 2016 in complaint No. NACT 106 of 2016 and memo of cheque bearing No. 000002 dated 6th August, 2016 in complaint No. NACT 105 of 2016. For convenience purposes facts are being taken of complaint No. 106.

2. The brief facts are that respondent filed two complaints under Section 138 of the Negotiable Instruments Act, 1881 on dishonoring of two cheques bearing No. 000001 and 000002 issued by the petitioner. While filing the complaints inadvertently the memos of returning the cheques were interchanged. In other words, the memo

cheque No. 000002 and vice versa. An application was filed with a prayer that the error be allowed to be corrected and memos be placed on the file of the complaint relating to the cheque concerned. The application was allowed on 2nd August, 2022. Hence the present revision petition.

3. Learned counsel for the petitioner(s) submits that petitioner has been summoned on the basis of memo and documents with the complaint. The evidence has been adduced on the basis of the memo already attached. Hence at this stage application should not have been allowed for replacing the memos. After arguing at length considering that any comment by this Court would affect the pending complaints. Counsel for the petitioner is not pressing the present petitions with liberty to raise all the issues raised at an appropriate stage.

5. Dismissed as not pressed with liberty as prayed for.

6. Since the main cases have been dismissed as not pressed, pending application if any is rendered infructuous.

7. Photocopy of the order be placed on the file of connected case.

[AVNEESH JHINGAN]
JUDGE

4th October, 2023
Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No