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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM M-23980-2017 (O&M)
Date of Decision: 05.03.2024

Raman KumarPetitioner

Versus

Anil ChopraRespondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Anil Chawla, Advocate,
for the petitioner.

None for the respondent.

MAHABIR SINGH SINDHU. J.

Present petition has been filed, under Section 482 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) for quashing of complaint No. 1923/2016 dated 14.06.2016 under Section 138 of Negotiable Instruments Act (for short “the Act”) titled as “*Anil Chopra Vs. Raman Kumar*” (P-1) pending in the Court of Judicial Magistrate First Class, Amritsar (for short ‘JMIC’); and summoning order dated 15.06.2016 (P-2) along with all consequential proceedings.

2. Above complaint was filed by the respondent under Section 138 of the Act on account of dishonour of cheque and details of which are as under:-

Cheque No.	Amount	Date
006155	1,47,000/-	02.05.2016

3. Sole contention raised by learned counsel is that above cheque was never issued by the petitioner.

4. Heard learned counsel for petitioner and perused the paper-book.

5. This Court has gone through the paper-book with the assistance of learned counsel for petitioner and it is evident that impugned summoning order was passed by learned JMIC way back on 15.06.2016 after recording its satisfaction in this regard. In pursuance of the summoning order, petitioner joined the proceedings, but despite repeated asking, learned counsel representing him was not able to apprise about the status of proceedings before learned JMIC on the date of granting interim stay by the then Coordinate Bench on 01.02.2018. In order to proper adjudication of the matter in controversy, this Court has accessed the *zimni* (interim) orders from the official website of the Court concerned and hard copies thereof are retained on record as Mark 'X' (colly).

6. From perusal of the orders dated 28.11.2017, 04.01.2018 and 17.01.2018 (Mark X), it transpire that even before granting interim stay in the matter, trial was pending at the fag end and three defence witnesses had already been examined by the petitioner.

7. The plea raised by learned counsel for the petitioner is purely a question of fact and as such, it can be gone into by learned JMIC while deciding the matter finally; hence, in such a scenario, this Court does not deem it appropriate to entertain the present petition under Section 482 Cr.P.C and convert the same into a mini trial for recording finding of fact regarding the authenticity of cheque in question, either way, at this stage.

8. In view of the above, there is no option, except to dismiss the present petition.

9. Ordered accordingly.

10. The above observations be not construed as an expression of opinion on the merits of the case in any manner.

11. Pending application(s), if any, shall also stand disposed off.

05.03.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No