



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

CRM-M-37124-2010  
Date of decision: 11.09.2024

Inderpal Kapoor and others

...Petitioners

Versus

State of Punjab and Another

...Respondents

**CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. G.K. Mann, Sr. Advocate with  
Mr. Anmol Jeevan Singh Gill, Advocate  
for the petitioners.

Mr. Inderjeet Singh, DAG, Punjab.

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**KARAMJIT SINGH, J. (ORAL)**

1. The present petition has been filed by the petitioners under Section 482 Cr.P.C. for quashing of FIR No.265 dated 10.05.2008 registered under Sections 420/34 IPC and 120 IPC and Section 138 of Negotiable Instruments Act.

2. The brief facts of the case are that complainant Rajiv Grover was running business of embroidery under the name and style of Grover Nitware Private Limited. Ankush Kapoor, Vishal Kapoor and Ashwani Kapoor were running there business under name and style of Aayee Synthetics at Amritsar. There were business transactions between both the aforesaid parties. Amount of Rs.2,49,165/- was outstanding against Aayee Synthetics. In discharge of the aforesaid liability, Ankush Kapoor gave four cheques drawn on Dena Bank to the complainant. The description of the said cheques is (i) Cheque No.522677 of Rs.1 lac dated 10.04.2008, (ii)



Cheque No.522676 of Rs.1 lac dated 17.04.2008, Cheque No.522682 of Rs.1 lac dated 24.04.2008 and (iv) Cheque No.522687 worth Rs.72,375/-. Complainant presented cheques No.(i) and (ii) but they were dishonored. Thereafter, Ankush Kapoor, Vishal Kapoor and Ashwani Kapoor, absconded. It was alleged that the aforesaid cheques were given by the said three persons in connivance with the present petitioners, with dishonest intention to cheat the complainant. The matter was reported to the police. Consequently, FIR was registered in this case.

3. The counsel appearing on behalf of the petitioners submits that the petitioners have nothing to do with the business of Aayee Synthetics and there were no money transactions between the petitioners and complainant and further the petitioners never signed or handed over the aforesaid four cheques to the complainant or any other authorized representatives of Grover Nitware Private Limited. The counsel for the petitioners further argued that the petitioners are falsely roped in as accused in the impugned FIR to put pressure on Ankush Kapoor, Vishal Kapoor and Ashwani Kapoor, who are related to the present petitioners and were absconding. The counsel for the petitioners further submits that there is nothing on the record to prima facie establish that petitioners connived with Ankush Kapoor, Vishal Kapoor and Ashwani Kapoor and hatched conspiracy to cheat the complainant. It is further submitted that petitioners are also not liable under Section 138 NI Act as they were not drawers of the cheques in question. It is further argued that the continuation of impugned FIR qua the present petitioners will amount to misuse of the process of Court and law as well.

4. The present petition is contested by respondent No.1-State and



the State counsel submits that detailed status report filed on behalf of respondent No.1 is available on record as per which, at the relevant time Ankush Kapoor, Vishal Kapoor and Ashwani Kapoor were absconding. It is further submitted that the FIR in this case was registered on the basis of the complaint lodged by complainant Rajiv Grover.

5. Today, there is no representation on behalf of respondent No.2.

6. I have considered the submissions made by counsel for the parties.

7. There are no allegations against the present petitioners that they were having any business transactions with the complainant or that in due discharge of their liability, the petitioners handed over the cheques in question under their signatures to the complainant or any authorized representative of Grover Nitware Private Limited. Further, on the face of it, there is no allegation that petitioners conspired with Ankush Kapoor, Vishal Kapoor and Ashwani Kapoor to cheat or defraud the complainant or his company. It being so, there is no question of dishonest or malafide intention on the part of the petitioners to commit cheating against the complainant. Further, police is having no jurisdiction to take cognizance of offence punishable under Section 138 NI Act. Otherwise also the liability of the petitioners cannot be fastened under Section 138 NI Act as they were not drawers of the cheques in dispute which are stated to be issued by Ankush Kapoor only.

8. In light of the above discussion, the allegations contained in the FIR even if, on face value are taken to be correct, no *prima facie* offence is made out against the petitioners. In the given circumstances, the pendency

of the impugned FIR qua the present petitioners will amount to misuse of the process of the Court and law as well.

9. Consequently, the present petition is allowed and impugned FIR No.265 dated 10.05.2008 (Annexure P-1) registered under Sections 420/34 IPC and 120 IPC and Section 138 of Negotiable Instruments Act, is hereby quashed qua the present petitioners only.

11.09.2024  
Yogesh

(KARAMJIT SINGH)  
JUDGE

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