

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

... Petitioner

.... Respondent

It has been asserted by the learned counsel that the son of the petitioner had settled all his dues with the respondent, which had

resulted in the withdrawal of two other complaints, which had been filed by the respondent against them; despite the withdrawal of the other two complaints and settlement between them, the respondent was persisting in pursuing the present case against the petitioner even though the other two complaints filed by the complainant against the petitioner, had been withdrawn 04 years back on 16.03.2020. Notably, in one of those case, only the petitioner's son was summoned since she was neither a signatory nor responsible for the day-to-day affairs of the company. Therefore, it has been submitted that the impugned order summoning the petitioner to face trial in the complaint in question be set aside as it had been passed without taking into consideration the previous settlement of the disputes between the parties; furthermore, the petitioner was a 70 year old lady having nothing to do with the day-to-day affairs of the company as it was her son, who was managing and looking after its affairs. It has still further been submitted that her son had already paid an amount exceeding the money involved in the previously two instituted complaints under Section 138 of the Act against them. Hence, the continuation of the present complaint against the petitioner would be unwarranted and furthermore, she could not be held liable for any additional amount beyond the value of cheque, as she was unaware about the issuance of cheque in question to the respondent, by her son i.e. co-accused.

3. Heard learned counsel and perused the relevant material available on record.

4. Learned counsel for the petitioner has raised disputed questions of fact, which are beyond the purview of this Court’s inherent jurisdiction under Section 482 Cr.PC. Whether or not the matter stood settled between the parties qua all the three cheques and whether the disputed cheque was issued in discharge of any legally enforceable liability or debt, or still further, whether there had been any misuse of the cheque by the respondent-complainant, are all issues, which would be put to test during trial after the parties lead their respective evidence. Consequently, this Court would not be inclined to delve into the veracity or falsehood of the allegations levelled by the respondent-complainant at this stage.

5. As a sequel to the above, instant petition being devoid of any merit, stands dismissed.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

30.04.2024
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No