

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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2024:PHHC:060232
CRM-M-21342-2024
Date of decision: April 30th, 2024

Ritu Rana

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ranbir Singh Pathania, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Petitioner is seeking quashing of complaint under Section 138 of The Negotiable Instruments Act, 1881 (hereinafter referred to as the 'N.I. Act' (NACT No.4157/2023 dated 29.08.2023) titled as Sukha Versus Ritu Rana and all other proceedings arising therefrom.

2. Learned counsel for the petitioner submits that she had been forced by her in-laws family to take a loan of ₹50 lakh against the property of her parents, however, it was her husband, who was overseeing the entire transaction in question. During this time, the husband of the petitioner took her cheque book along with some blank signed cheques of the petitioner on the pretext that they could be required for some bank transaction. However, thereafter a matrimonial dispute arose between the petitioner and her husband, due to which they started living separately; the blank signed cheques along with some other documents and jewellery of the petitioner were retained by her estranged husband. It has been asserted by the learned counsel that just to harass the petitioner, her cheques had been now misused by her estranged husband in a well planned conspiracy in connivance with

none other than the complainant himself as they were well acquainted with each other. Upon coming to know that her blank signed cheques had been misused, the petitioner immediately filed an application in the said regard before the police, however, no action was taken on the said application.

3. A prayer has, therefore, been made in the wake of the aforementioned facts and circumstances for setting aside of the impugned order vide which the petitioner has been summoned to face trial in the criminal complaint in question, as it is evident that the cheque in question had never been issued by her in discharge of any legally enforceable debt or liability.

4. I have heard learned counsel for the petitioner and perused the relevant material on record.

5. It needs to be reiterated that the powers conferred on this Court under Section 482 of the Cr.P.C. must be exercised with great caution and circumspection. At this stage, the Court is just expected to see whether or not the allegations levelled in the complaint *prima facie* disclose commission of a cognizable offence. Adverting to the present case, once the signatures on the cheque in question have not been disputed by the petitioner, a statutory presumption under Section 139 of the N.I. Act, arises in favour of the complainant, and in case the petitioner wants to lead any defence to rebut this presumption, she would get ample opportunity to raise the same during trial.

6. Learned counsel for the petitioner in the present petition has raised disputed questions of fact, which cannot be delved by this Court in the exercise of its inherent jurisdiction under Section 482 of the Cr.P.C.

7. As a sequel to the above, no ground is made out to accept the prayer made by the petitioner.
8. The instant petition stands dismissed.
9. 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.

April 30th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No