



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

CRM-M No.24111 of 2024 (O&M)

Date of decision: 14th May, 2024

Sunita Rani

... Petitioner

Versus

Vijay Kataria

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Lokesh Vohra, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 482 of the Cr.P.C. seeking quashing of complaint number COMA/144/2022 instituted on 27.05.2022 under Sections 420, 406, 120-B of the IPC before learned Chief Judicial Magistrate, Ferozepur (Annexure P-1) as well as the summoning order dated 05.10.2023 (Annexure P-2).

2. As per the allegations levelled in the complaint in question (Annexure P-1), the petitioner/accused (hereinafter referred to as, 'the accused') requested for a loan of ₹5.00 lacs from the complainant/respondent (hereinafter referred to as, 'the complainant') to expand her beauty-parlor business. The complainant provided ₹5.00 lacs in the year 2017 through two cheques; ₹2.00 lacs on 03.05.2017 and ₹3.00 lacs on 08.05.2017, with the understanding that it would be repaid. An additional loan of ₹2.00 lacs was also given to the accused by the complainant on 24.08.2018. To settle this debt, the accused issued a cheque dated 22.06.2021 which was dishonoured. On 13.12.2021, the accused issued another cheque for ₹5.00 lacs from the



State Bank of Patiala. However, this cheque was returned by the Bank with the remarks “no such bank” because the State Bank of Patiala had merged with the State Bank of India. A legal notice dated 10.03.2022 was then served upon the accused, demanding payment within 15 days, but no reply was given to the said notice by the accused nor was any payment received by the complainant.

3. Learned counsel for the petitioner has vehemently argued that the petitioner is being falsely implicated in the present complaint; she never took a loan of ₹5.00 lacs from the complainant. The summoning order dated 05.10.2023 (Annexure P-2) is totally illegal and an abuse of law wherein false accusations have been levelled against the petitioner accusing her of offences under Sections 465, 467, 468, 471 of the IPC, based on incorrect findings that the petitioner had intentionally used a cheque of State Bank of India to cheat and deceive the complainant. The learned counsel has also asserted that there is no evidence of forgery and further the cheque book of the petitioner had in fact been misused by her disowned son, in collusion with the complainant.

4. It has also been submitted that the complainant had filed one complaint under Section 138 of the Negotiable Instruments Act, 1881 regarding the ₹2.00 lacs loan given on 24.08.2018, leading to the petitioner’s conviction on 07.11.2018 by learned Judicial Magistrate 1st Class, Ferozepur, although the matter was later settled in the appellate Court on 09.03.2024.



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

6. The petitioner has not disputed her signatures on the cheques, and admittedly charges have not yet been framed in this case. Whether the ₹5.00 lacs loan was given, and whether the cheque was used to repay a legal debt, are issues to be determined during the trial when both the sides present their evidence.

7. While this Court does have extensive powers under Section 482 of the Cr.P.C., these must be exercised with great restraint and caution. Therefore, at this stage, this Court would not evaluate the truthfulness or credibility of the allegations levelled in the complaint in question. As a sequel to the above, no ground is made out to accept the prayer made by the petitioner. The petition stands dismissed.

8. 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.

(MANJARI NEHRU KAUL)
JUDGE

May 14, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No