



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

138

CRM-M-27558-2024
Date of decision: May 30, 2024

RITIKA KISHORE

.....Petitioner

Versus

M/S FUZION PUBLIC RELATION PVT LTD

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sanjay Gahlawat, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of complaint case No. NACT/3267/2023 dated 29.05.2023 under Section 138 read with Section 142 of the Negotiable Instruments Act, 1881 (Annexure P-1) and the impugned summoning order dated 20.01.2024 (Annexure P-2) passed by learned JMIC, Chandigarh.
2. Learned counsel for the petitioner-accused contends she has been falsely implicated in the present case; the cheque in question had not been issued by the petitioner for discharging any legally enforceable debt nor any liability, but had been issued at the commencement of her employment i.e. at the time of execution of her employment contract dated 01.07.2022, with an amount of Rs.73,143/- in lieu of the condition stipulated in her employment contract. The condition stipulated was that if in future, the petitioner failed to complete her employment period of 1 year and 6 months, she would be liable to pay an amount equivalent to her salary of 3 months to the respondent-complainant. It has been further submitted that at the time when the cheque in

question was drawn in the name of the respondent-complainant, no such liability was in existence between them, therefore, the clause of the employment contract being purely contingent in nature, did not fall within the ambit of Section 138 or 142 of the NI Act.

3. I have heard learned counsel for the petitioner and perused the relevant material placed on record.
4. The petitioner in the present case has not disputed her signatures on the cheque in question, hence *prima facie*, a presumption under Section 139 of the NI Act would arise in favour of the respondent-complainant. Further, whether the cheque in question was issued in lieu of some future security or not, is a matter of trial, which cannot be delved into by this Court under Section 482 of the Cr.P.C. Rather, whatever assertions are being made by the learned counsel for the petitioner, would be tested by the learned trial Court, when both the sides lead their respective evidence.
5. As a sequel to the above, this Court does not deem it fit to exercise its inherent powers under Section 482 of the Cr.P.C. to quash the complaint as well the summoning order in question.
6. Accordingly, the instant petition stands dismissed.
7. 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.

May 30, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No