

**CRM-M-52853-2024****1****IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH****CRM-M-52853-2024****Date of decision : October 23, 2024**

Reena Thakur

....Petitioner

Versus

M/s Asterik Healthcare

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

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

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petitioner, prayer is made for quashing of Complaint bearing No. NACT/9199/2023 dated 11.12.2023, under Section 138 of the Negotiable Instruments Act, 1881 (in short, the NI Act), and summoning order dated 8.1.2024, whereby, the petitioner has been summoned to face the trial under Section 138 of the NI Act.
2. The main thrust of the arguments of the learned counsel for the petitioner, is that the petitioner has already discharged the entire liability qua the disputed cheque amount, and for that he has placed reliance on certain documents i.e. Bank transactions, and some E-way bills.
3. This Court considered the submissions made by the learned counsel for the petitioner, and is of the view that the issues which has been raised before this Court, are purely disputed questions of facts, as to



CRM-M-52853-2024

2

whether, the amounts which have been referred, are paid in lieu of the cheque in question or not, that can only be decided by the learned trial court concerned, at an appropriate stage. Therefore, this Court is not inclined to grant the asked for relief. However, the liberty is granted to the petitioner to raise all such pleas, as raised through the instant petition, before the learned trial court concerned, at appropriate stage of the trial.

4. **Disposed of** accordingly.

October 23, 2024

'tiwana'

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned ? Yes/No
Whether Reportable ? Yes/No