

2025:PHHC:100576



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

1. CRM-M-41611-2017 (O&M)

Lalit Sethia

...Petitioner

Versus

Mukesh Kumar

...Respondent

2. CRM-M-41720-2017 (O&M)

Lalit Sethia

...Petitioner

Versus

Jaivir Singh

...Respondent

Date of decision : 04.08.2025

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Malkiat Singh Jandiala, Advocate
for the petitioner.

Mr. K. B. S. Mann, Advocate and
Kanwar Sanjiv Kumar, Advocate
for the respondent.

MANISHA BATRA, J. (Oral)

1. This common order shall dispose of above mentioned two petitions as they are similar in nature and involve similar question of law and have been filed by the same petitioner against the same respondent. However, for the sake of convenience, the facts are being extracted from **CRM-M-41611-2017**.

2. Prayer in this petition, filed under Section 482 of Cr.P.C., is for quashing of order dated 04.10.2017, passed by the Court of learned Judicial Magistrate First Class, Chandigarh in Criminal Complaint bearing No. 2921 dated 12.04.2016, titled as **Mukesh Kumar vs. Lalit Sethia**, filed under Section 138 of the Negotiable Instruments Act, 1881 (*for short 'N. I. Act'*), whereby an application filed by the petitioner/accused for allowing a

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handwriting expert to take photographs of the cheque in dispute in the aforesaid case, had been dismissed.

3. Brief facts relevant for the purpose of disposal of the present petitions are that the petitioner has been summoned for facing trial in the aforementioned case on the allegations that in order to discharge his legally enforceable liability, he had issued a cheque for an amount of Rs. 5 Lakhs in favour of the respondent/complainant and the same had been dishonoured. As per the allegations, he failed to pay the amount of cheque, thereby compelling the respondent to file the aforementioned complaint. As revealed from the record, during the pendency of the aforementioned complaint, the petitioner had moved an application submitting that the handwriting on the body of the cheque was of a person different from the signatory thereof and since the handwriting was different, therefore, to prove the genuineness of the same, he wanted to get the cheque in question examined through a handwriting expert. This application was dismissed by the learned trial Court by observing that the petitioner had admitted his signatures on the cheque in question and as such, irrespective of the fact that the handwriting on the body of the cheque might be of some other person, made no difference and hence, no ground for examining any handwriting expert was made out. Feeling aggrieved from the said order, the petitioner has filed the present petition.

4. It is argued by learned counsel for the petitioner that the impugned order is not sustainable in the eyes of law as while passing the same, the learned trial Court had ignored the fact that the petitioner had denied his signatures on the cheque in question. He had also got registered a DDR qua loss of the cheque. The respondent had misused the cheque. By examining a handwriting expert, the

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petitioner could prove that the handwriting on the body of the cheque in question was of some other person and it was a forged and fabricated one. It is, therefore, urged that the impugned order is liable to be quashed and the petitioner deserves to be granted one opportunity to get the cheque in question examined through a handwriting expert.

5. *Per contra*, learned counsel for the respondent/complainant has argued that there is no illegality or infirmity in the impugned order and the same is well reasoned. The petitioner had not denied his signatures on the cheque in question. He is trying to delay the disposal of the complaint filed against him and is abusing the process of law. The position of law is that even if a cheque is written by some other person other than the signatory, its validity cannot be doubted because of that reason. It is, therefore, urged that the petition is liable to be dismissed.

6. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record carefully.

7. By examining a handwriting expert, the petitioner obviously intended to prove before the learned trial Court that the signature and handwriting on the body of the cheque in question are of different persons. The well settled proposition of law is that it is not necessary the body of a dishonoured cheque must be written by the signatory of the cheque. By examining the proposed handwriting expert and by asking the Court to allow such handwriting expert to take photographs of the cheque in question, the petitioner simply wanted to prove that this cheque was not in his handwriting. In view of the above discussion, no purpose is going to be served even if a handwriting expert is given permission as sought for by the petitioner. The

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learned Magistrate passed a well reasoned order and dismissed the application. As such, I find no illegality or infirmity in the impugned order warranting interference by this Court. As a consequence, the present petition as well as the connected petition are dismissed, being devoid of any merit. The interim order stand vacated.

8. Let a copy of this order be placed on the files of the connected cases.

04.8.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No