



CRM-M-21473-2019

-1-

(304A)

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

CRM-M-21473-2019

Date of decision : 20.11.2025

M/s Om Agencies & another

... Petitioners

Versus

M/s Siripal & Company

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Deepak Aggarwal, Advocate
for the petitioners.

Mr. S.K.Chaudhary, Advocate
for the respondent.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the complaint case No.NACT 616 of 03.08.2017 (Annexure P-10) titled as 'M/s Siripal & Company Vs. M/s Om Agencies & others' registered under Sections 138 & 142 of the Negotiable Instruments Act, summoning order dated 03.05.2018 (Annexure P-11) passed by the JMIC, Moga along with all consequential proceedings arising therefrom.

2. The brief facts of the case are that in order to discharge his legal liability, the petitioner/accused issued a cheque No.003241 dated 13.07.2017 from the Bank of India, Bilhaur Branch Opp. Tehsil, Kanpur (U.P.) for an amount of Rs.51,09,298/- in favour of the respondent/complainant. The said cheque came to be dishonoured

**CRM-M-21473-2019****-2-**

leading to the filing of the complaint. Based on the preliminary evidence led, the petitioners came to be summoned to face trial vide order dated 03.05.2018 (Annexure P-11). The copies of the complaint dated 03.08.2017 and summoning order dated 03.05.2018 are attached as Annexures P-10 & P-11 respectively to the present petition.

3. The aforementioned complaint dated 03.08.2017 (Annexure P-10) and summoning order dated 03.05.2018 (Annexure P-11) are under challenge in the present petition.

4. The learned counsel for the petitioners contends that the dispute between the parties pertains to rendition of accounts and stems out of a business dispute. A security cheque has been misused. There was no occasion for the petitioner/accused to have issued the cheque on 13.07.2017 when they had been summoned to face trial in another earlier complaint. There is non-compliance of Section 202 Cr.P.C. He therefore, prays that the complaint and summoning order are liable to be quashed by an abuse of the process of the Court.

5. On the other hand, the learned counsel for the respondent/complainant while vehemently denying the arguments raised contends that the grounds raised by the petitioners would amount to adjudicating upon disputed questions of fact which cannot be done in summary proceedings under Section 482 Cr.P.C. Whether the cheque in question was issued by way of security or in furtherance of a legally enforceable debt would be adjudicated upon during the course of the trial. Section

**CRM-M-21473-2019****-3-**

202 Cr.P.C. has been complied with inasmuch as the evidence of the respondent/complainant has been recorded and no further inquiry is required to be conducted. He therefore, prays that the present petition is liable to be dismissed.

6. I have heard the learned counsel for the parties.

7. The contention of the learned counsel for the petitioner that the dispute pertains to rendition of accounts, stems out of business dealings and a security cheque issued earlier had been misused cannot be adjudicated upon in summary proceedings under Section 482 Cr.P.C. and detailed evidence would have to be lead by both sides during the Trial before an adjudication is possible. It has been so held in the cases of **HMT Watches Ltd. Versus M.A. Abida & another, 2015(2) RCR (Criminal) 366**, **S. Krishnamoorthy Vs. Chellammal, 2015(2) RCR (Criminal) 513** and **Sripati Singh (since deceased) Vs. State of Jharkhand & another, 2021(4) RCR (Criminal) 620**.

8. As regards the non-compliance of Section 202 Cr.P.C., the Hon'ble Supreme Court in **Re: Expeditious Trial of Cases Under section 138 of N.I. Act 1881, 2021(2) RCR (Criminal) 883** has held that for the purposes of an inquiry under Section 202 Cr.P.C. the evidence of witnesses on behalf of the complainant can be taken on affidavit and in suitable cases the Magistrate can restrict the inquiry to examination of documents without insisting for examination of witnesses. In the instant case, the complainant/respondent Pankaj Mittal

2025:PHHC:163270



CRM-M-21473-2019

-4-

has been examined as CW1 and has sworn an affidavit Ex.CW1/A. He has also exhibited various documents such as the cheque memo, copy of notices and receipts. Beyond this, no further inquiry is required to be conducted in cases under the Negotiable Instruments Act.

9. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

20.11.2025 Whether speaking/reasoned:- Yes/No
JITESH Whether reportable:- Yes/No