



CRM-M-24292-2025 (O&M) -1-

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

CRM-M-24292-2025 (O&M)

Reserved On: 06.05.2025

Pronounced on: 16.05.2025

Sarita Devi

.....Petitioner

Versus

M/s. Eakansh Motors Private Ltd.

.....Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL

Present: Mr. Ashish Kaushik, Advocate
for the petitioner.

H.S. GREWAL J. (Oral)

1. The present petition has been filed under Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for quashing of complaint titled as “Eakansh Motors Private Ltd. Vs. Sarita Devi” in CIS No.NACT/55/2020 dated 20.01.2020 under Section 138 of Negotiable Instruments Act, 1881 and order dated 09.01.2025 passed by learned Judicial Magistrate Ist Class, Jind whereby summons to the accused persons have been issued.

2. The case of the petitioner is that the petitioner is not the drawer of the cheque and the cheque in question belongs to one Manish. The respondent maliciously filed a complaint under Section 138 of NI Act against the petitioner. There is no debt owed by the petitioner to the respondent. The said cheque was dishonoured by the Bank with the remarks that the drawer’s sign differs. Therefore, it is stated that no cause of action is maintainable against the present petitioner. Learned counsel for the petitioner submits that two cars were



purchased by the present petitioner and cheque was handed over to the respondent/complainant.

3. In the present petition, learned counsel for the petitioner has raised various disputed questions of fact which can only be considered at the stage of trial during the trial proceedings. However, this Court cannot analyse the fact regarding who the drawer is or who is the signatory of the cheque, and how the petitioner is involved in the purchase of two vehicles and further, whether liability, if any, is made out against the petitioner. All these questions of fact cannot be interfered with by this Court while exercising inherent powers under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) vested with this Court.

4. In view of above, no ground is made out to interfere with the proceedings of the trial Court concerned and to quash the impugned order dated 09.01.2025 passed by the Court concerned.

5. Accordingly, the present petition is hereby dismissed.

16.05.2025

Sonia Puri

(H.S. GREWAL)
JUDGE

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