



CRM-M No.37814-2024

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

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**CRM-M No.37814-2024 (O&M)
Date of Decision: 29.01.2025**

M/s Raj Enterprises and others

.....Petitioners

Versus

M/s Garg Steels through its proprietor

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. S.K.Tripathi, Advocate for the petitioners.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), *inter alia*, for quashing of impugned order dated 04.07.2024 (P-5) passed by learned Judicial Magistrate First Class, Gurugram (*for short*, 'JMFC'), in complaint No. 20127 dated 06.12.2017 filed by the respondent/complainant under Section 138 of Negotiable Instruments Act, 1881 (*for short*, 'the NI Act') was dismissed.

2. Contends that learned Judicial Magistrate First Class, Gurugram vide impugned order dated 04.07.2024 (P-7) rejected the application of petitioners for examining the Handwriting and Fingerprint Expert without any valid reason and completely ignored the fact that case of respondent is based on forged and fabricated bills (Ex. P-4 to P-11).

3. Heard learned counsel for the petitioners and perused the paper-book.



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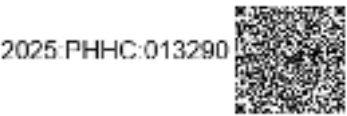
of the NI Act on 06.12.2017 on account of dishonor of Cheque bearing No.775795 dated 01.07.2017 amounting to Rs.18,00,000/- and Cheque No.775797 dated 27.09.2017 for an amount of Rs.14,14,000/- drawn on State Bank of Hyderabad, Wazirpur. On the basis of preliminary evidence, petitioners were summoned vide order dated 25.01.2018 and upon appearance, learned trial Court released them on bail vide order dated 20.10.2022. Notice of accusation was served upon the petitioners on 16.03.2023. After conclusion of complainant's evidence, statement of the accused/petitioners were recorded under Section 313 of Cr.P.C and now, the case is pending for defence evidence/arguments.

5. Concededly, trial is pending for defence evidence and, thus, it is at the fag end. At this stage, petitioners have moved an application under Section 311 Cr.P.C. to examine the Handwriting & Fingerprint Expert on the ground that complaint was filed on the basis of forged & fabricated documents as well as various Bills i.e Ex. P-4 to P-11 which do not bear the signatures of petitioners.

6. Learned JMIC, while declining the application categorically observed that when complainant/respondent is not relying upon the bills in question; then, examination of Handwriting and Fingerprint Expert would be a futile exercise.

7. Thus, it appears that petitioners have filed the application just to delay the trial, which is at the final stage. Still further, proceedings under Section 138 of NI Act are *quasi* criminal in nature and complaint is being tried as a summon case.

8. Consequently, this Court does not find any ground to interfere with the impugned order dated 04.07.2024 passed by Ld. JMIC and there is no option, except to dismiss the petition.



- 9. Ordered accordingly.
- 10. However, it is clarified that above observations be not construed as an expression of opinion on merits of the complaint, in any manner.

 Pending application(s), if any, shall also stand disposed off.

29.01.2025
Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

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