

2025:PHHC:102048



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

**CRM-M-40722-2025
DECIDED ON:30.07.2025**

NEERAJ KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Petitioner in person.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 528 of BNSS, 2023 has been invoked seeking quashing of complaint Nos. 1315, 1316, 1317, 1321 and 1322 of 2023, dated 06.12.2023 filed under Section 138 read with Section 142 of the Negotiable Instruments Act, 1881 with further prayer for issuance of a direction to trial Court to accept personal bonds of the petitioner in a complaint case arising from a single transaction and also seeking direction for consolidation of all complaints.

2. Learned counsel for the Petitioner submits that the Petitioner had no independent financial transaction or dealing with Respondent No.2. The foundation of the complaints arises solely from an agreement dated 23.05.2022, entered into between the Petitioner's wife, Dr. Sakshi Sharma, and Respondent No.2, to which the Petitioner was neither a party nor a beneficiary.

3. It is further contended that the cheques in question were issued purely by way of security and not towards the discharge of any legally enforceable debt or liability. In support of this, reliance is placed on multiple legal notices issued by the Petitioner's wife, expressly instructing Respondent No.2 not to deposit the said cheques.

4. Learned counsel also submits that FIR No. 238 dated 30.05.2023, registered under Sections 406, 420, 506, 34, and 120-B IPC, is based on fabricated documents and involves misuse of an affidavit allegedly obtained from the Petitioner's wife. Following this, Respondent No.2 initiated eight separate complaints under Section 138 of the Negotiable Instruments Act, all containing identical allegations, thereby causing harassment and resulting in gross abuse of the judicial process.

5. It is argued that all eight complaints arise from a single transaction, involve the same parties, and are based on identical facts and causes of action. Filing them before different courts is alleged to be a calculated attempt to exert undue pressure on the Petitioner through multiple litigations. It is further submitted that the dispute, at its core, is civil in nature and does not attract criminal liability. The essential ingredients of Section 138 of the NI Act are stated to be absent, and the presumption under Section 139 stands rebutted in the facts and circumstances of the case.

6. Having heard learned counsel for the Petitioner and perused the record, including the impugned complaints filed under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter "NI

Act"), this Court is not inclined to exercise its inherent jurisdiction under Section 528 CrPC to quash the proceedings at this stage.

7. It is an admitted position that eight cheques, totaling Rs. 37,00,000/-, were issued by the Petitioner or on his behalf and were subsequently dishonoured. While the Petitioner contends that these cheques were issued merely as security and not against any legally enforceable debt or liability, such a defence can be effectively raised and adjudicated only during trial. The question whether the cheques were issued by way of security or otherwise is a matter of evidence, and this Court cannot undertake a factual inquiry in proceedings under Section 528 CrPC.

8. The Hon'ble Supreme Court in ***Sunil Todi & Ors. v. State of Gujarat & Anr., (2021) 4 SCC 73***, has held:

"The contention that the cheques were issued by way of security, even if taken at face value, does not by itself justify quashing of proceedings under Section 138 NI Act. Whether there existed a legally enforceable liability or not is a matter for trial and cannot be determined at the threshold."

9. Further, the argument regarding multiplicity of proceedings and filing of multiple complaints before different courts is concerned, the same does not *per se* amount to abuse of process of law, especially where separate cause of action arises on the dishonour of individual cheques.

10. Moreover, the Supreme Court in ***Balwinder Singh v. State of Punjab, (2006) 6 SCC 521***, has unequivocally observed, as under:

“Mere multiplicity of proceedings cannot be construed as mala fide or vexatious unless shown to be a part of a concerted scheme to abuse process of law.”

11. In the present case, the Respondent No.2 has filed separate complaints based on dishonour of individual cheques. The offences under Section 138 NI Act are complete upon dishonour of each cheque and issuance of a statutory demand notice. Therefore, each complaint constitutes a separate and independent cause of action.

12. The contentions raised by the Petitioner regarding absence of privity, nature of the transaction, and alleged misuse of process are factual defences that can be properly examined during trial. At this stage, no case is made out for quashing the proceedings or for directing consolidation of complaints under Section 528 CrPC.

13. Accordingly, the present petition stands dismissed.

(SANDEEP MOUDGIL)
JUDGE

30.07.2025

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*