



CRM-M-58468-2024(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.119

CRM-M-58468-2024(O&M)

Date of decision : February 05, 2025

Sukhpreet Kaur

....

Petitioner

versus

Deepak Gupta

....

Respondent

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU.

* * *

Present : Mr. Sahil Vashishat, Advocate
for the petitioner.

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MAHABIR SINGH SINDHU, J. :**CRM-3887-2025 :**

Application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (for short, 'BNSS'), for staying further proceedings before the learned Trial Court or in the alternative, for directing learned Trial Court to adjourn the case beyond the date fixed before this Court.

At this stage, on oral request made by learned counsel for applicant-petitioner, the main case is preponed and the same is taken up on Board today itself.

Main Case :

Present petition has been filed under Section 528 of BNSS, for quashing the complaint i.e. NACT No.218 of 2022 dated 16.04.2022 (P-1), the summoning order dated 18.04.2022 (P-2) and the subsequent proceedings *qua* petitioner pending before the Court of learned Judicial Magistrate First Class, Hoshiarpur (for short, 'JMIC').

2. Contends that complainant/respondent has filed false and frivolous



complaint against the petitioner and she has been wrongly summoned as an accused.

2.1 Further contends that although in para no.2 of the complaint, respondent has averred that one cheque bearing no.000044 dated 08.02.2022, drawn on HDFC Bank Improvement Trust Branch, Hoshiarpur was issued by accused Jasmit Singh in favour of respondent/complainant Deepak Gupta and one cheque bearing no.001689 dated 03.02.2022, drawn on Dena Bank, Hoshiarpur was issued by the petitioner in favour of respondent/complainant’s wife namely Ritu Gupta, but in the present complaint, said Ritu Gupta is not the complainant.

2.2 Again contends that from alleged complaint, no case is made out against the petitioner and as such, continuance of proceedings against him before learned JMIC would be an exercise in futility.

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

4. As there are serious disputed questions of facts involved in the present petition, therefore the same cannot be gone into by this Court, while exercising jurisdiction under Section 528 of BNSS.

5. In view of the above, the present petition is disposed off with liberty to the petitioner to raise all her pleas before learned JMIC, at appropriate stage(s), in accordance with law.

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

February 05, 2025

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(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking/reasoned ?	No.
Whether reportable ?	No.