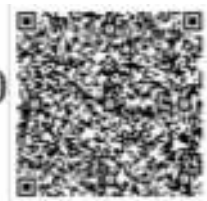


2026:PHHC:032260



CRM-M-6316-2025 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(176)

CRM-M-6316-2025 (O & M)

Reserved on:25.02.2026

Date of Pronouncement: 27.02.2026

Date of Uploading : 27.02.2026

Parkash Singh

..... Petitioner

V/s

M/s Shriram Finance Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Lupil Gupta, Advocate,
with Mr. Harshdeep Singh, Advocate
for the petitioner.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 528 of BNSS, 2023 is for quashing of criminal complaint bearing No.NACT-3949-2024 under Section 138 of the Negotiable Instruments Act, 1881 (Annexure P-1), summoning order dated 03.10.2024 (Annexure P-2) passed by the Judicial Magistrate Ist Class, Karnal and all consequential proceedings arising therefrom.

2. The brief facts of the case are that the present complaint came to be instituted by the complainant-respondent (hereinafter to be known as 'the respondent') with the allegations that one Davinder Singh availed a loan of Rs.3 lacs vide agreement dated 11.02.2019 to be repaid in installments including interest and as per the terms and conditions of the agreement. The

guarantor of the said loan was the petitioner-Parkash Singh. As the

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borrower-Davinder Singh and the guarantor-Parkash Singh refused to adhere to the financial discipline of the repayment of the loan and defaulted in repayment of several EMIs, in discharge of his legal liability, the petitioner-Parkash Singh (guarantor) issued a cheque bearing No.005421 dated 20.07.2024 for a sum of Rs.5 lacs in favour of the respondent which came to be dishonoured leading to the filing of the instant complaint and consequential summoning order dated 03.10.2024. A copy of the complaint under Section 138 of the Negotiable Instruments Act and the summoning order dated 03.10.2024 is attached as Annexure P-1 and P-2 respectively to the petition.

3. It is the aforementioned complaint (Annexure P-1) and the summoning order (Annexure P-2) which are under challenge in the present petition.

4. The learned counsel for the petitioner contends that the petitioner is merely a guarantor and had issued a blank signed cheque as security when the loan facility was availed by the borrower-Davinder Singh. As against the borrowed amount of Rs.3 lacs, the present complaint has been filed with respect to a cheque amounting to Rs.5 lacs purportedly issued by the petitioner and another complaint has been filed against Davinder Singh for the dishonour of a cheque of Rs.6,30,438/-. Thus, a fraud has been committed upon the petitioner. He, therefore, prays that the impugned complaint (Annexure P-1), summoning order (Annexure P-2) and all the consequential proceedings arising therefrom are liable to be quashed.



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5. I have heard the learned counsel for the petitioner.

6. Admittedly, the petitioner is a guarantor of a loan availed by Davinder Singh. The cheque issued by the petitioner is for an amount of Rs.5 lacs. Whether or not the same was issued by way of security and that there was no outstanding liability would be a matter of adjudication during the course of the Trial after recording evidence of the parties as has been held in the case of '*HMT Watches Ltd. versus M.A. Abida and another 2015(2) RCR(Criminal) 366*'. Similarly, what amount is due from the side of Davinder Singh towards the complaint under the terms of the loan agreement can only be adjudicated upon after evidence is led by both sides. Therefore, the question of quashing of the present complaint (Annexure P-1), summoning order (Annexure P-2) and all consequential proceedings arising therefrom on disputed questions of facts, does not arise.

8. In view of the above, I find no merit in the present petition. Therefore, the same stands dismissed.

9. The pending application(s), if any, shall stand disposed of accordingly.

February 27, 2026
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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