



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.16927 of 2026 (O&M)
Date of Decision :02.04.2026

Rajan Batra

.....Petitioner

Versus

Ekam Global

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr. Pranav Handa, Advocate for the petitioner.

SURYA PARTAP SINGH, J. (Oral):

By virtue of present petition under Section 528 of Bharatiya Nagrik Suraksha Sanhita 2023, the quashing of a criminal complaint, i.e. NACT-750-2023, filed by the respondent-complainant against the petitioner-accused, has been sought.

2. In nut-shell the facts emerging from record are that, that with regard to dis-honour of a cheque by the banker of petitioner-accused, hereinafter being referred to as 'petitioner' only, a complaint for the commission of offence punishable under Section 138 Negotiable Instruments Act 1881, hereinafter being referred to as 'NI Act' only, has been filed by the respondent-complainant. In the above mentioned complaint the summoning order has been passed by the Court of learned Judicial Magistrate Ist Class Rupnagar, hereinafter being referred to as 'trial Court' only on 14.02.2024. Being aggrieved of the above mentioned order the present petition has been filed.

3 Heard.



4 It has been contended by learned counsel for the petitioner that the complaint filed by the respondent is nothing but an abuse of process of law, primarily on the ground that it has been filed premature and secondly because the petitioner has filed the same without a valid cause of action. According to petitioner the allegations levelled in the complaint are false and contradictory, and that the respondent's own version, as contained in the complaint, shows that he was in possession of two cheques dated 13.10.2023, amounting to Rs.3,00,000/- each. As per petitioner a compromise had taken place between the petitioner and the respondent, and according to that compromise the accounts were supposed to be finalized by the parties on 25.10.2023, and before the settlement of above mentioned compromise there could not have been any legally enforceable debt of any of the parties against each other. The petitioner has alleged that before the date fixed in the above mentioned compromise, the cheque was presented by the respondent before the banker of the petitioner, i.e. on 18.10.2023 and therefore, the complaint is premature.

5 The learned counsel for the petitioner has further contended that in view of the violation of above mentioned written compromise, and for want of legally enforceable debt towards the petitioner, the respondent's complaint for the commission of offence under Section 138 of NI Act is not maintainable and deserves to be quashed.

6 The record has been perused carefully.

7 A careful perusal of record shows that the instant petition has been filed by the petitioner primarily on the ground that in violation of compromise between the parties dated 16.10.2023 the cheque was presented by the petitioner, and therefore, the complaint is premature.



8 With regard to above mentioned contention firstly it is relevant to note here that the copy of compromise has been placed on record by the petitioner as Annexures A-3 and a perusal of above mentioned documents shows that there was no such condition in the above mentioned compromise, that the cheque would be presented only after 25.10.2023. The only condition i.e. condition No.2 in the above mentioned compromise was that on 25.10.2023 both the parties would have a meeting at the guest house and settle their accounts. In my opinion the above mentioned condition nowhere leads to a conclusion that the cheque was to be presented before the banker of petitioner only after 25.10.2023.

9 The another relevant aspect to be taken into consideration is that in the complaint there is specific averment, in paragraph No.10 of the complaint, that on 18.10.2023 it was informed by the petitioner himself to the respondent that he had arranged the requisite funds and the cheque No.780312 may be presented before the bank, for realization. The above mentioned plea taken by the respondent in the above mentioned complaint falsifies the stand of the petitioner that presentation of cheque before 25.10.2023 was premature.

10. Be that as it may, since the specific plea has been taken by the respondent that he had presented the cheque on the call of petitioner only, this issue can be determined on the basis of the evidence of the parties only and in the quashing petition, without evidence of the parties it cannot be determined as to whether the presentation of cheque before 25.10.2023 was premature or not.

11 In the present case it is also relevant to mention here that the learned counsel for the petitioner has argued that in the compromise dated



16.10.2023 there was a condition that the cheque of Rs.3,00,000/- issued in the name of respondent would be returned by the respondent. With regard to above mentioned argument it is relevant to mention that the above mentioned compromise itself shows that the cheque had been returned by the respondent to the petitioner, and that after the return of above mentioned cheque the petitioner was in possession of two more cheques each worth Rs.3,00,000/-. Since the recital in the compromise dated 16.10.2023 is vague and does not contain the cheque number, at this stage, it is not possible to determine as to whether the recital in compromise dated 16.10.2023 with regard to return of cheque pertains to cheque No.780312 dated 13.10.2023 or not.

12. Taking into consideration the cumulative effect of all the above mentioned factors it is hereby observed that the grounds for quashing of complaint contained in the present petition are not sufficient or good enough to draw an inference that filing of complaint by the respondent amounts to abuse of process of law, or that any legally enforceable debt of respondent was not due towards the petitioner.

13. With regard to scope and indulgence of this Court for exercising extraordinary jurisdiction, the guiding principles, wherein extraordinary jurisdiction for quashing of complaint can be exercised, have been laid down by the Hon'ble Supreme Court of India in the case of 'Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and others' 2021 SCC Online SC 315. Those guidelines prescribe that:

“a) The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the 'rarest of rare



cases (not to be confused with the formation in the context of death penalty).

- b) While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;
- c) Criminal proceedings ought not to be scuttled at the initial stage;
- d) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;
- e) Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;
- f) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;
- g) The power under Section 482 Cr.P.C. is very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the court;
- h) However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in the cases of R.P. Kapur and Bhajan Lal, has the jurisdiction to quash the FIR/complaint;

14 In addition to above, parameters wherein quashing of complaint can take place the relevant law has been laid down by the Hon'ble Supreme Court India in the case of 'State of Haryana Vs. Bhajan Lal', 1992 Suppl. (1) SCC 335, R.P.Kapoor Vs. State of Punjab AIR 1960 Supreme Court 866 and Gian Singh VS. State of Punjab (2012) 10 Supreme Court Cases 303.



15. In the case of '*Bhajan Lal (supra)*', the Hon'ble Supreme Court of India after reviewing large number of cases on the question of quashing of FIR has laid down that the FIR/complaint can be quashed in the following circumstances:-

- a) Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.
- b) Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.
- c) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.
- d) Where, the allegations in the F.I.R. do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.
- e) Where the allegations made in the F.I.R. or complaint are so absurd and inherently improbable on the basis of which



no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

- f) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.
- g) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

16 Taking into consideration the above discussed factual matrix of the case and the legal provisions it is hereby held that at this stage no ground for quashing of complaint is made out. Hence, it is hereby observed that the present petition is devoid of merits and deserves dismissal. Hence the same is hereby **dismissed** accordingly.

(SURYA PARTAP SINGH)
JUDGE

02.04.2026
Manoj Bhutani

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