



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

**(132)**

**CRM-M-48957-2019**

**DATE OF DECISION: 18.03.2026**

M/s Pushp Hans Ply and Hardware and another

.....Petitioners

**VERSUS**

M/s Harkesh Saw Mill

.....Respondent

**CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present Mr.Ashwani Kumar Antil, Advocate  
for Mr. Gautam Kaile, Advocate, for the petitioners.  
Mr. Diwan S. Adlakha, Advocate, for respondent.

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**SUBHAS MEHLA, J (ORAL)**

1. Present petition has been filed under Section 528 of BNSS for quashing of order dated 16.07.2019 (Annexure P-6), summoning order dated 29.10.2018 (Annexure P-3) and the complaint bearing No. NIA/2047 of 2018 (Annexure P-1) filed under Sections 138 / 141 of Negotiable Instruments Act, 1881 read with Section 420 IPC, along with all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner contends that the petitioners have already deposited the cheque amount in the account of the complainant/respondent on 29.10.2018 (Annexure P-2).

3. On the other hand, Mr. Diwan S. Adlakha, Advocate, appearing on behalf of the respondent, submits that a specific reply has been filed on behalf of the respondent/complainant, and the amount so deposited does not pertain to the cheque in question, as there are ongoing business dealings between the petitioner and the respondent; that the details of the amount due



have been annexed as Annexure R-1 and also find mention in paragraph No. 6 of the reply; that the issue involved is a disputed question of fact, which can only be adjudicated by the learned trial Court at the time of trial after appreciating the evidence led by both the parties; that a civil suit for recovery of Rs. 12,56,579/- is pending between the parties.

4. Heard.

5. Keeping in view the contentions raised by learned counsel for the petitioner that the amount has been deposited, which has been refuted by learned counsel for the respondent, and considering the fact that whether the amount deposited pertains to the cheque in question or not, in light of the admitted business dealings between the parties, is a disputed question of fact requiring adjudication on the basis of appropriate evidence, this Court does not find any merit in the petition warranting the interference by this Court under Section 482 Cr.P.C.

6. Finding no merit in the present petition, same is hereby dismissed.

18.03.2026  
mamta

(SUBHAS MEHLA)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No