



CRM-M-55527-2024

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

(126)

CRM-M-55527-2024

DATE OF DECISION: 12.02.2026

Sonu

.....Petitioner

VERSUS

Smt. Kailash

.....Respondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Jashan Singh Sekhon, Advocate, for the petitioner.
None for the respondent.

SUBHAS MEHLA, J (ORAL)

1. Present petition has been filed under Section 528 of the BNSS, 2023 for quashing of complaint NACT No.60203 of 2022 dated 18.11.2022 titled as Kailash versus Sonu, under Section 138 of Negotiable Instruments Act, 1881 and summoning order dated 03.12.2022 (Annexure P-2), vide which the petitioner had been summoned to face trial for the offence under Section 138 of Negotiable Instrument Act, 1881 along with all consequential proceedings arising out of the said complaint.

2. Learned counsel for the petitioner contended that the petitioner has not taken any amount as a loan or assumed any liability at any point of time. The complainant allegedly paid the money for the purpose of securing a job without examining whether the accused had any authority to provide employment or not, and what procedure is required to be followed in Oman (Country) by National Drilling and Service Company, LLC (Oman) for selecting any candidate for providing employment. Thus, from the perusal of the complaint, it is evident that the alleged contract is void and, hence, the present petition deserves to be allowed.



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3. Notice issued to respondent received back served through brother-in-law (Jija) but there is no representation on behalf of respondent.
4. Heard.
5. Keeping in view the facts and circumstances of the case it is not disputed that cheque in question belongs to the present petitioner; same was dis-honoured and thereafter, a complaint was filed by the respondent / complainant; petitioner was summoned in that case after fulfilling the conditions as envisaged under Section 138 of the Negotiable Instruments Act, 1881. Contention of the learned counsel for the petitioner qua non existence of his legal liability is a disputed question of facts that can be adjudicated at an appropriate stage of trial. Moreover, there is a presumption of law in favour of holder of cheque. Thus, this Court does not deem it a fit case which warrants invocation of inherent power of this Court.
6. Taking into consideration the cumulative effect of the facts and circumstances, this Court finds no merit in the present petition, accordingly, the same is dismissed.

12.02.2026
mamta

Whether speaking/reasoned
Whether reportable

(SUBHAS MEHLA)
JUDGE

Yes/No
Yes/No