



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(133/1) CRM-M-69984-2025
DATE OF DECISION: 07.04.2026

Mandeep KaurPetitioner

VERSUS

Kulwinder KaurRespondent

(133/2) CRM-M-69998-2025

Mandeep KaurPetitioner

VERSUS

Kulwinder KaurRespondent

(133/3) CRM-M-69889-2025

Mandeep KaurPetitioner

VERSUS

Kulwinder KaurRespondent

CORAM HON’BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Bhrigu Dutt Sharma, Advocate,
for the petitioner in all the petitions.

SUBHAS MEHLA, J (ORAL)

1. Since all the aforementioned criminal miscellaneous petitions are between the same parties and involve identical questions of law, therefore are being decided by this common order. Facts are being taken from CRM-M-69984-2025.
2. The present petition has been filed under Section 528 of the BNSS, 2023, seeking quashing of Criminal Complaint No.NACT 96 of 2024, instituted on 21.10.2024 (Annexure P-1), titled *Kulwinder Kaur vs.*



Mandeep Kaur, under Section 138 of the Negotiable Instruments Act, 1881, along with all consequential proceedings, including the summoning order dated 21.10.2024 (Annexure P-2), whereby the petitioner has been summoned to face trial by the learned Sub-Divisional Judicial Magistrate, Bholath, District Kapurthala.

3. Brief facts of the case are that the petitioner owed a sum of ₹38,00,000 to the respondent/complainant for her personal needs. In discharge of part of her liability, the petitioner issued a cheque bearing No.029313 dated 11.09.2024 for an amount of ₹5,00,000 in favour of the complainant, drawn on Axis Bank Limited, Begowal, from Account No. 916010053524918. At the time of issuing the said cheque, the petitioner assured the respondent that it would be honoured upon presentation, however, the same, on presentation for encashment, returned dishonoured with the remarks “insufficient funds.” Thereafter, a legal notice was served upon the petitioner, to which she did not respond in writing but allegedly made a phone call acknowledging receipt and assuring repayment. Upon failure to make payment, the complaint was filed. In preliminary evidence, the respondent/complainant reiterated all allegations, and vide order dated 21.10.2024, the petitioner was summoned under Section 138 of the Negotiable Instruments Act, 1881. Aggrieved against the said order, the present petition has been filed.

4. It is pertinent to mention here that the complainant/respondent has also filed two more criminal complaints i.e CRM-M-69998-2025 and CRM-M-69889-2025 regarding dis honour of two other cheques allegedly issued by the petitioner on the same very date i.e 11.09.2024 for a sum of



Rs.5,00,000/- each and the petitioner has been summoned to face trial in the said two criminal complaints as well.

5. Learned counsel for the petitioner raised threefold arguments:

(i) that the compromise (Annexure P-4) was forcibly obtained from the petitioner and is not valid;

(ii) that as per compromise, the cheques were not to be presented before 25.10.2025, yet they were presented on 11.09.2024, thereby amounting to misuse; and

(iii) that the petitioner has also instituted civil suits, including one for mandatory injunction seeking return of the cheques and blank signed documents allegedly obtained under coercion.

6. In support of his contentions, learned counsel for the petitioner relied upon Section 87 of the Negotiable Instruments Act, 1881, to contend that when a document is materially altered, it becomes void as against any party who has not consented to such alteration.

7. Heard.

8. This Court posed three specific queries to the learned counsel for the petitioner:

(i) whether the petitioner issued the cheque — the answer was in affirmative;

(ii) whether any reply to the statutory notice was filed raising all the aforesaid pleas — the answer was in the negative; and



(iii) whether any complaint was made to higher authorities regarding the alleged forcible compromise — the answer was in negative rather, the petitioner chose to file a civil suit.

9. Upon consideration of the facts and circumstances of the case, this Court is of the view that the issues raised involve disputed questions of fact, which can only be adjudicated during trial. There exists a statutory presumption in favour of the complainant when the cheque is admitted to have been issued by the petitioner. The disputed questions of fact have to be gone into by the learned trial court during the course of trial. Mere averments in the present petition and making of submissions in this regard before this court would not be sufficient to extend the benefit of this ground to the petitioner as there is no clinching material on record to support such an averment at this stage.

10. It is a settled position of law that while exercising the inherent jurisdiction under section 528 BNSS, the High Court is not supposed to conduct a mini trial [See: Central Bureau of Investigation v. Aryan Singh & Ors. (2023) 18 SCC 399 & Dharambeer Kumar Singh v. The State of Jharkhand & Anr. (2025) 1 SCC 392].

11. Finding no merit in all the present petitions, same are hereby dismissed.

12. A photocopy of this order be placed on the files of other connected petitions.

07.04.2026
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(SUBHAS MEHLA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No