SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/2326/2026 Shailendra Pratap Singh --Applicant **Versus** Rakesh Kumar Mishra --Respondent **Hon'ble Alok Mahra, J.** Mr. Vikas Kumar Guglani, Advocate for the applicant. 2. This criminal miscellaneous application has been preferred by the applicant assailing the order dated 30.11.2023 passed by learned Additional Chief Judicial Magistrate, Rudrapur, District Udham Singh Nagar, whereby cognizance was taken and the applicant was summoned to face trial for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. The applicant has also sought quashing of the entire proceedings of Complaint Case No. 1242 of 2023, pending before the Court of learned Additional Chief Judicial Magistrate/Special Judge (N.I. Act), Rudrapur, District Udham Singh Nagar. 3. The record reveals that the respondent-complainant instituted a complaint under Section 138 of the N.I. Act, alleging dishonour of a cheque purportedly issued by the applicant towards discharge of a legally enforceable debt or liability. Upon consideration of the complaint and the material placed on record, the learned Magistrate found sufficient grounds to proceed against the applicant and accordingly passed the impugned summoning order. 4. Learned counsel for the applicant submits that a bare perusal of the complaint would reveal that the specific date on which the alleged loan amount was actually advanced to the applicant has not been clearly disclosed. It is further contended that the complaint does not specify the

			date on which the applicant allegedly undertook to repay the amount in question. Learned counsel has also drawn attention to the fact that the complaint refers to the complainant withdrawing or arranging the amount from his wife's bank account on 14.03.2023, whereas the cheque in question bears the date 16.03.2023. According to learned counsel, the proximity of the aforesaid dates, coupled with the absence of specific particulars regarding the actual advancement of the alleged loan and the terms of repayment, casts serious doubt upon the complainant's case and renders the continuation of the criminal proceedings against the applicant unwarranted. 5. Heard learned counsel for the applicant and perused the material available on record. The principal ground take by the applicant relates to the alleged absence of specific particulars concerning the advancement of the loan, the date of the alleged promise to repay the amount, and the source from which the complainant arranged the money. However, the aforesaid circumstances, by themselves, do not conclusively establish that no legally enforceable debt or liability existed or that the cheque in question was not issued towards discharge of such liability. The fact that the amount was allegedly arranged on 14.03.2023, while the cheque bears the date 16.03.2023, is not, in itself, sufficient to render the complaint inherently improbable or to establish that the prosecution is legally untenable. 6. It is pertinent to note that the proceedings under Section 138 of the N.I. Act are governed by the statutory requirements prescribed therein. The question as to whether the cheque was issued in discharge of a legally enforceable debt or liability, whether the complainant had the financial capacity to advance the alleged amount, and whether the transaction actually took place in the manner asserted by the complainant are matters which, depending upon the pleadings and evidence, may require examination during trial. The absence of a specific date of advancement of the loan or of the alleged promise to repay does not, in the facts and circumstances of the present case, by itself, warrant quashing of the complaint at the threshold. 7. At the stage of considering a challenge to

			the summoning order and the criminal proceedings, the Court is not expected to undertake a meticulous examination of the evidence or conduct a mini-trial to determine the truthfulness of the allegations. Interference may be warranted where the allegations, even if taken at their face value, fail to disclose the commission of an offence or where the proceedings are otherwise demonstrably barred by law or constitute an abuse of the process of the Court. In the present case, the grounds taken by the applicant do not establish any such circumstance. 8. Upon consideration of the material available on record and the submissions advanced on behalf of the applicant, this Court finds no sufficient ground to conclude that the impugned summoning order suffers from any patent illegality, jurisdictional error, or material irregularity warranting interference in the exercise of the inherent jurisdiction of this Court. 9. Accordingly, the present criminal miscellaneous application, being devoid of merit, is hereby dismissed. **(Alok Mahra, J.)** 27.10.2026 *Arpan* ARPAN JAISWAL Digitally signed by ARPAN JAISWAL DN: c=IN, o=HIGH COURT OF UTTARAKHAND, ou=HIGH COURT OF UTTARAKHAND, 2.5.4.20=eabb68a3895e41937c266c2394c948f33654f45e3a20d1d057393f8ff94f4ba3e, postalCode=263001, st=UTTARAKHAND, serialNumber=0A0FC17022BEAE3DE210D68D9D454C5109CB9B744635134DF0AAA01A2CE1A6E, cn=ARPAN JAISWAL Date: 2026.10.27 18:51:50 +05'30'