SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/2542/2026 Jai Gopal Kothari --Applicant **Versus** Sampurna Nand Kothari --Respondent **Hon'ble Alok Mahra, J.** Mr. A.M. Saklani, Advocate for the applicant. 2. The present C-528 application has been filed seeking to quash the summoning order dated 29.10.2026, as well as the entire proceedings of Criminal Case No. 591 of 2026, pending before the Court of learned Chief Judicial Magistrate, Tehri, District Tehri Garhwal. 3. Learned counsel for the applicant submits that, as per the averments made in the complaint, the loan in question was advanced in the year 2014, whereas the cheque towards repayment of the alleged amount was issued on 30.06.2026. It is contended that the alleged liability had become time-barred, the period of limitation for recovery of the amount being three years, and, therefore, the cheque cannot be said to have been issued towards discharge of any legally enforceable debt or liability. On this ground, it is submitted that the summoning order as well as the consequential proceedings are liable to be quashed.

4. Having considered the submissions advanced by learned counsel for the applicant, this Court is of the view that the contention raised on behalf of the applicant does not merit acceptance. The period of limitation of three years prescribed for instituting a civil suit for recovery of money, by itself, does not extinguish the underlying debt or render the liability non-existent. The expiry of the limitation period may bar the remedy of recovery through a civil suit; however, it does not, by itself, discharge the debtor from the liability. Further, the question as to whether the cheque in question was issued towards discharge of a legally enforceable debt or liability, and whether the statutory requirements for attracting the offence under Section 138 of the Negotiable Instruments Act, 1881, stand satisfied, are matters which require consideration in the light of the relevant pleadings and evidence. The mere fact that the loan was allegedly advanced in the year 2014 and the cheque was issued on 30.06.2026 cannot, in itself, be a ground to quash the criminal proceedings at the threshold.

5. In view of the foregoing discussion, this Court does not find any illegality, perversity or infirmity in the impugned summoning order warranting interference in exercise of jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

6. Accordingly, the present criminal miscellaneous application is dismissed.

(Alok Mahra, J.)
18.11.2026

Arpan

ARPAN JAISWAL