SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			UKHC010205632026 **C528/2572/2026** Jarina Begam --Applicant **Versus** Gopal Singh Mehta --Respondent **Hon'ble Alok Mahra, J.** Ms. Rajni Rangwal, Advocate for the applicant. 2. The present criminal misc. application has been filed by the applicant with a prayer to quash/set-aside the summoning order dated 28.09.2026 as well as the entire proceedings of Criminal Case No. 715 of 2026, Gopal Singh Mehta Vs. Jarina Begam, under Section 138 of Negotiable Instruments Act, 1881, pending in the court of learned CJM, Almora. 3. Learned counsel appearing for the applicant submits that cheque-in-question was issued only for security purposes and not towards discharge of any legally enforceable debt or liability. Learned counsel for the applicant further submits that the summoning order dated 28.09.2026 has been passed by the Magistrate concerned in a routine and cursory manner and no reasons have been recorded while passing the said order to summon the applicant. It is further submitted by learned counsel for the applicant that the complainant had also

			lodged an FIR in relation to the same-self facts and since FIR has been lodged and chargesheet has been filed in the matter, therefore, for the same-self case, complaint under Section 138 of Negotiable Instruments Act, 1881 was not maintainable and the learned Magistrate concerned should not have taken cognizance in the matter. 4. Heard learned counsel for the parties and perused the record. 5. After perusing the complaint filed by the complainant under Section 138 of N.I. Act and also perusing the order dated 28.09.2026 by which applicant was summoned, it is revealed that applicant in discharge of his liability, issued cheque to the complainant, with the assurance that the said cheque would be honoured upon presentation at the bank on the due date. Thereafter, complainant presented the said cheque for payment before the bank, but, it was dishonoured with the remark 'stop payment'. Subsequently, the aforesaid complaint was moved by the complainant. 6. Furthermore, this Court is also of the opinion that the criminal proceedings arising out of an FIR-in-question as well as proceedings arising out of the complaint case, can both run simultaneously as admittedly the cheque, which was issued by the applicant, was dishonoured and offence under Section 138 of Negotiable Instruments Act, 1881 is *prima facie* made out against the applicant. 7. Perusal of the impugned order further reveals that the court concerned has considered & discussed all relevant aspects of the matter. Thus, the view taken by the learned Magistrate concerned cannot be

			faulted and this Court does not find any infirmity or illegality in the impugned order and hence does not intend to interfere with the impugned order. 8. Accordingly, the criminal misc. application fails and is hereby dismissed. 9. However, it is always open for the applicant to raise all his grievances/defences before the learned Trial Court concerned. **(Alok Mahra J.)** 23.11.2026 Ujjwal