



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

**CRM-M No.14765 of 2026
Date of decision: 13.05.2026**

Gurjot Singh Gulati

...Petitioner

Versus

Jitesh Kumar

...Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present :- Mr. Ritik Mohindroo, Advocate
for the petitioner.

MANDEEP PANNU, J. (Oral)

1. The present first petition under Section 528 of the BNSS (Section 482 Cr.P.C.) has been filed for quashing of complaint case bearing *NACT No.2423 of 2021*, instituted on 28.09.2021, titled as “*Jitesh Kumar Vs. Gurjot Singh Gulati*”, pending before the Court of learned Judicial Magistrate First Class, Ambala, along with all consequential proceedings arising therefrom.

2. Briefly stated, the case of the complainant is that the petitioner-accused, who was allegedly engaged in the business of property dealing and sending persons abroad, approached the complainant through their common acquaintance namely Vinod Rana and assured the complainant that he would send him to Canada and arrange employment there. It has been alleged that believing the representations made by the accused, the complainant paid a total amount of Rs.10,00,000/-, out of which Rs.3,00,000/- was transferred



through RTGS on 04.07.2019 and the remaining amount of Rs.7,00,000/- was allegedly paid in cash on 19.07.2019 in the presence of witnesses. However, the accused allegedly failed to fulfill his promise and thereafter, in discharge of the said liability, issued cheque bearing No.000244 dated 14.04.2021 amounting to Rs.10,00,000/- drawn on DCB Bank Ltd., Ambala. Upon presentation, the said cheque was dishonoured repeatedly with the remarks "Payment Stopped by Drawer". Despite repeated requests and issuance of legal notice dated 13.08.2021, the accused allegedly failed to make payment of the cheque amount, which ultimately led to the filing of the complaint under Section 138 of the Negotiable Instruments Act.

3. Learned counsel for the petitioner has contended that the allegations levelled in the complaint, even if taken at their face value, do not disclose the commission of any offence under Section 138 of the Negotiable Instruments Act and continuation of the criminal proceedings would amount to abuse of the process of law. It has been argued that the complainant has deliberately concealed true and material facts from the Court and has not approached the Court with clean hands. Learned counsel for the petitioner has contended that prior to the filing of the complaint under Section 138 of the Negotiable Instruments Act on 28.09.2021, the petitioner had already lodged a DDR/online complaint dated 05.03.2021 with the concerned police authorities regarding theft of certain personal articles from his car, the incident having allegedly taken place on 26.02.2021 between 03:15 PM to 03:30 PM near Bus Stand, Gobind Nagar, Ambala Cantt. It has been specifically alleged in the said complaint that two cheque books belonging to the petitioner and one cheque book belonging to his wife had been stolen.



Learned counsel submits that the disputed cheque dated 14.04.2021 forms part of the said stolen cheque book and the same has been misused by the complainant by filling an arbitrary amount with mala fide intention. Learned counsel for the petitioner has further argued that the cheque in question was never issued towards discharge of any legally enforceable debt or liability of Rs.10,00,000/-. Rather, the petitioner had allegedly taken a small loan amount of Rs.3,00,000/- from one Vinod Kumar @ Vinod Rana and the said amount was transferred through RTGS by the complainant at the asking of said Vinod Kumar. It has been submitted that the said loan amount already stands repaid in the presence of Vinod Kumar, who has also executed an affidavit affirming that no amount remains due against the petitioner. It has also been argued that despite full repayment of the alleged loan amount, the complainant has misused the blank cheque by filling in an exaggerated amount of Rs.10,00,000/- and has initiated false proceedings under Section 138 of the Negotiable Instruments Act only with a view to extort money from the petitioner. Learned counsel submits that in view of the affidavit executed by Vinod Kumar confirming full and final settlement between the parties, no legally enforceable liability survives against the petitioner and continuation of the complaint proceedings would serve no useful purpose. Lastly, it has been contended that the present petition is the first petition filed by the petitioner seeking quashing of the complaint and the petitioner has neither been declared proclaimed offender nor is stated to be involved in any other criminal case.

4. Since a short question arises for consideration in the present petition and this Court does not deem it necessary to seek any response



from the respondent at this stage, hence, no notice has been issued to the respondent.

5. After hearing learned counsel for the petitioner and perusing the paper-book, this Court is of the considered opinion that the present petition is wholly devoid of merit and deserves to be dismissed.

6. The principal contention raised by learned counsel for the petitioner is with regard to the alleged DDR/online complaint dated 05.03.2021 lodged by the petitioner regarding theft of certain articles including cheque books from his car. However, a bare perusal of the said complaint reveals that the allegations made therein are extremely vague and omnibus in nature. Neither the particulars of the cheque book nor the serial numbers of the alleged missing cheques have been disclosed therein. The complaint merely states that some cheque books belonging to Gurjot Singh and his wife were missing. No specific details identifying the disputed cheque in question have been mentioned. Whether the cheque in question actually formed part of the alleged stolen cheque book or not is clearly a disputed question of fact, which cannot be adjudicated upon by this Court while exercising jurisdiction under Section 528 BNSS/Section 482 Cr.P.C.

7. Moreover, it is quite significant that the petitioner nowhere alleges in the present petition that the cheque in question does not bear his signatures. There is no plea that the signatures appearing on the cheque are forged or fabricated. Rather, the defence sought to be projected is that the cheque was allegedly stolen and thereafter, misused. *Prima-facie*, the said story appears to be doubtful and improbable. It is difficult to accept, at this stage, that a signed cheque leaf/cheque book was stolen from the car of the



petitioner and thereafter, utilised by the complainant in the present proceedings. All such disputed factual aspects require appreciation of evidence and cannot be conclusively examined in proceedings seeking quashing of the complaint.

8. The further contention of the petitioner that only an amount of Rs.3,00,000/- was borrowed from Vinod Kumar @ Vinod Rana and that the same already stands repaid, is again a matter of defence which is required to be established before learned Trial Court by leading cogent evidence. Similarly, the affidavit allegedly executed by Vinod Kumar regarding repayment of the amount also cannot be made a basis for quashing the complaint at the threshold, particularly when the complainant specifically asserts existence of legally enforceable liability of Rs.10,00,000/-.

9. The complaint in question pertains to the year 2021 and the present petition seeking quashing thereof has been filed only in the year 2026. Significantly, the petitioner has not challenged the summoning order passed by learned Trial Court. Rather, the petitioner seeks quashing only of the complaint and consequential proceedings without assailing the order whereby cognizance was taken and process was issued against him. No satisfactory explanation for such delay or omission has been furnished in the petition.

10. A perusal of the complaint further reveals that specific averments have been made therein regarding advancement of money, issuance of cheque, repeated dishonour of the cheque with the remarks "Payment Stopped by Drawer", issuance of statutory legal notice and non-payment of the cheque amount despite service of notice. *Prima-facie*



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ingredients constituting an offence under Section 138 of the Negotiable Instruments Act are clearly disclosed from the averments made in the complaint. At this stage, meticulous appreciation of disputed facts and defences raised by the accused is impermissible.

11. It is also not disputed that the case is already pending before learned Trial Court and is fixed for complainant's evidence. The pleas sought to be raised by the petitioner are essentially factual defences which can very well be agitated before learned Trial Court during the course of trial. The inherent jurisdiction of this Court is to be exercised sparingly and only in exceptional cases where continuation of proceedings would amount to abuse of process of law. No such exceptional circumstance is made out in the present case.

12. Consequently, finding no merit in the present petition, the same is hereby dismissed.

13. All pending applications, if any, also stand disposed of.

14. However, nothing observed herein shall be construed as an expression on the merits of the case.

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(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No