



CRM-M-33127-2022

1

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

140

**CRM-M-33127-2022
Decided on :23.04.2026**

Dinesh Sharma

. . . Petitioner(s)

Versus

Mehar Chand and another

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Harshit R. Nain, Advocate for the petitioner.

SANJAY VASHISTH, J. (Oral)

1. Fresh power of attorney on behalf of petitioner has been filed in Court today. Same is taken on record. Registry is directed to tag the same at appropriate place with the paper-book.

2. Referring to paragraph No. 2 of the complaint, learned counsel for the petitioner submits that, at best, petitioner, arrayed as accused No. 1 in the complaint, can be considered only as a guarantor. Moreover, admittedly, he is not a signatory to the cheque in question. To fortify his submissions, learned counsel refers to the undertaking (vernacular, page 19, Ex. C3) and submits that therein an endorsement has been made by the petitioner himself stating that if the cheque is dishonoured, he would be responsible for repayment of the amount.

3. I have heard learned counsel for the petitioner and have gone through the paper book.

4. If the facts pleaded in paragraph No. 2 of the complaint are read in conjunction with the undertaking dated 16.12.2016 (Ex. C3), it becomes evident that, for consideration of the prayer for quashing, the

**CRM-M-33127-2022****2**

factual aspects require examination. However, since the facts are not admitted, it would be appropriate for the trial Court to first apply its mind to the document in question in the context of the allegations made in the complaint against the petitioner.

Once the factual aspects are required to be examined, the same cannot be made the subject matter of quashing of the complaint before this Court in exercise of powers under Section 482 Cr.P.C./528 of BNSS. Accordingly, present petition stands dismissed.

(SANJAY VASHISTH)
JUDGE

23.04.2026***Rashmi***

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