



2026:UHC:2647

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>C528 No.669 of 2026 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Mukesh Kumar Kaparuwan, Advocate for the applicant.</p> <p>2. The present application under Section 528 seeks quashing of the impugned summoning order dated 02.01.2026 as well as the entire proceedings of Criminal Misc. Case No. 01 of 2026, pending before the Court of learned Judicial Magistrate, Narendra Nagar, District Tehri Garhwal.</p> <p>3. Learned counsel for the applicant submits that the complaint has been instituted under Section 138 of the Negotiable Instruments Act and that the learned Magistrate has mechanically taken cognizance without due application of mind. It is contended that the cheque in question was issued merely as a security and not towards discharge of any legally enforceable debt or liability. It is further argued that the dispute is purely civil in nature arising out of a friendly loan, and there was no criminal intent or mens rea on the part of the applicant. It is also submitted that the cheque was dishonoured due to financial constraints and not with any intention to cheat, and that the applicant has subsequently repaid the entire amount, which reflects his bona fide intention.</p> <p>4. Per contra, upon perusal of the record, it transpires that the learned Magistrate, after considering the contents of the complaint, the affidavit,</p>



and the documents placed on record, has found sufficient prima facie material to proceed against the applicant and has accordingly issued the summoning order.

5. It is well settled that the Court, while exercising its inherent jurisdiction, is not required to conduct a meticulous examination of the evidence or adjudicate upon disputed questions of fact. The defence sought to be raised by the applicant, including the plea that the cheque was issued as security, the nature of the transaction being civil, or subsequent repayment of the amount, are all matters which require evidence and can be appropriately examined during trial. Moreover, the mere assertion that the cheque was issued as security does not, by itself, absolve the applicant of liability under Section 138 of the Negotiable Instruments Act, particularly and such factual aspects cannot be adjudicated in proceedings of this nature.

6. In view of the aforesaid, this Court finds no ground to exercise its inherent jurisdiction for quashing of the impugned summoning order or the proceedings arising therefrom. The criminal misc. application, being devoid of merit, is accordingly dismissed.

(Alok Mahra, J.)

15.04.2026

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