

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>C-528 No.558 of 2026</u> <u>Hon'ble Alok Mahra, J.</u> Mr. Tapan Singh, learned counsel for the applicant. 3. Present application under Section 528 of the Code of Criminal Procedure has been filed by the applicant seeking quashing of the cognizance/summoning order dated 30.09.2022 passed in Complaint Case No. 1199 of 2022, under Section 138 of the Negotiable Instruments Act, pending in the Court of learned Additional Chief Judicial Magistrate, Roorkee, District Haridwar. 4. Learned counsel for the applicant would submit that the complainant has filed the aforesaid complaint alleging therein that a friendly loan was advanced by the complainant to the applicant, as there were cordial relations between them. It is further alleged that the applicant issued eight cheques to the complainant, each amounting to ₹10,000/-, towards discharge of the said liability, with an assurance that the remaining amount would also be cleared. However, when the said cheques were presented for encashment, they were dishonoured by the bank with the remark "insufficient funds". Thereafter, the complainant allegedly issued a legal notice to the opposite party. It is further stated that despite service of the notice on 08.06.2022, the applicant did not make payment of the alleged amount. Consequently, the learned Magistrate concerned took cognizance

			against the applicant vide order dated 30.09.2022. 5. Learned counsel for the applicant would further submit that in paragraph no. 11 of the complaint it has been stated that the legal notice dated 07.06.2022 was served upon the applicant on 08.06.2022 and the complainant has also annexed the postal A.D. card and tracking report in support thereof. However, a perusal of the A.D. card would reveal that the same does not bear the signature of the applicant. Instead, the signature appearing on the A.D. card is that of one Shanti Devi. It is, therefore, contended that the notice dated 07.06.2022 was never served upon the applicant. Consequently, the mandatory ingredients of Section 138 of the Negotiable Instruments Act are not fulfilled and the entire criminal proceedings initiated against the applicant are unsustainable in the eyes of law. 6. Issue notice to the respondent, returnable within six weeks. 7. Steps to be taken within one week. 8. List this matter after service of notice upon the respondent. 9. Meanwhile, as an interim measure, it is directed that further proceedings of Complaint Case No. 1199 of 2022, under Section 138 of the Negotiable Instruments Act, pending in the Court of learned Additional Chief Judicial Magistrate, Roorkee, District Haridwar shall remain stayed till the next date of listing. (Alok Mahra J.) 01.04.2026
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