

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO. 431 OF 2021  
(Arising out of SLP (Cr1.) No. 2870/2019)

DHARAMPAL

Appellant(s)

VERSUS

NISHA

Respondent(s)

O R D E R

We have heard Mr. Dharamraj Ohlan, learned counsel for the appellant and Mr. Ashok Arora, learned counsel for the respondent.

Leave granted.

The High Court has in a Section 482 petition against the complaint made under Section 138 of the Negotiable Instruments Act passed an order in which it has directed the respondent No.1 *inter alia* to produce documentary proof of his source of income together with land, *jama bandis* etc. We are of the view that this kind of interim order in a Section 482 petition cannot be passed. Either the quash petition be allowed or dismissed. The rest is a matter for evidence to be taken up before the learned Magistrate. On this short ground, we set aside this order.

We make it clear however that nothing in our order will be taken to be a reflection on the merits of the matter. The High Court may take up at the earliest the quash petition itself and dispose of the same on its own merits.

Mr. Ashok Arora, learned counsel appearing on behalf of the respondent wishes to produce certain additional documents in the High Court. This he may do subject to the High Court's permission.

The appeal is disposed of accordingly.

..... J.  
(ROHINTON FALI NARIMAN)

..... J.  
(B.R. GAVAI)

..... J.  
(HRISHIKESH ROY)

New Delhi;  
April 15, 2021.

