
(2012) 05 UK CK 0032

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application (C482) No. 425 of 2012

Dr. Deepak Kalra

APPELLANT

Vs

State of Uttarakhand and Guru Charan Suri

RESPONDENT

Date of Decision : 03-05-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Negotiable Instruments Act, 1881 (NI) — Section 138, 143

Citation : (2012) 05 UK CK 0032

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Advocate : S.S. Yadav, present, for the Appellant; B.S. Parihar, Brief Holder for the State, for the Respondent

Final Decision : Dismissed

Judgement

Hon'ble Prafulla C. Pant, J.—Heard By means of this petition moved u/s 482 of Cr.P.C., the petitioner has sought quashing of the proceedings of Criminal Complaint Case No. 5832 of 2010, Guru Charan Suri Vs. Dr. Deepak Kalra, relating to offence punishable u/s 138 of Negotiable Instruments Act, 1881, pending in the court of Judicial Magistrate, CBI, Dehradun.

2. Learned counsel for the petitioner submitted that the complainant (respondent No.3) Guru Charan Suri dishonestly represented himself as the sole owner of the property, while executing the agreement of sale with the petitioner. In fact, he is said to be only one of the co-owners.

3. However, from the perusal of the contents of the petition and other papers on record, it is clear that agreement of sale was executed between the petitioner and the respondent No.3, and it is also admitted that the petitioner had issued cheques to the respondent No.3 and impugned cheque no 395618 dated 04.10.2009, for an amount of Rs. 14,400/- was dishonoured on presentation before the bankers, on the ground of "stop payment" direction. The summoning order is being challenged after a period of one and half years.

4. In the circumstances, this Court is not inclined to interfere with the trial of the case. As to the factual pleas of defence, the petitioner is at liberty to take the same before the trial court. Accordingly, the petition u/s 482 of Cr.P.C., is dismissed, with the observation that the trial court shall consider the factual pleas of defence of the petitioner, and shall decide the case as expeditiously as possible, keeping in mind the spirit contained in sub-Section (3) of Section 143 of the Act.