

(2017) 12 RAJ CK 0022
In the Rajasthan High Court
Case No : 2742 of 2014

Tek Singh S/o Shri Didar Singh

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 11-12-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 482](#) - Saving of inherent powers of High Court
[Negotiable Instruments Act, 1881](#), [Section 138](#) - Dishonour of cheque for insuffic

Citation : (2017) 12 RAJ CK 0022

Hon'ble Judges : Sandeep Mehta

Bench : SINGLE BENCH

Advocate : HS Sandhu, MS Panwar

Final Decision : Dismissed

Judgement

1. By way of this misc. petition under Section 482 Cr.P.C., the petitioner complainant has approached this Court for challenging the order dated 30.1.2014 passed by the learned A.C.J.M., C.B.I. Cases, Jodhpur Metro in connection with F.R. No.172/2009 arising out of FIR No.101/2009 of the P.S. Udai Mandir whereby, the protest petition submitted by the petitioner was rejected by the learned Magistrate and the negative final report submitted by the police was accepted and so also, the order dated 9.10.2014 passed by the learned Sessions Judge, Jodhpur Metro whereby, the revision preferred against the said order of the learned A.C.J.M. was dismissed.

2. I have heard and appreciated the arguments advanced at the Bar and have gone through the impugned orders.

3. The petitioner filed the FIR against the respondents with the allegations that they misused few cheques given to them by way of security and presented the same and launched frivolous prosecution of the complainant petitioner for the offence under Section 138 of the Negotiable Instruments Act. It is an admitted case of the complainant that he had given the cheques in question to the respondents under his own signatures. Thus, question whether the respondents misused these cheques by presenting them in their banks and or that they initiated a malafide prosecution would be for the competent Court where the complaints under Section 138 of the N.I. Act have been filed, to decide. In any event, the allegations levelled by the complainant ex-facie do not give rise to the offences alleged. Thus, I am not inclined to interfere in the impugned orders which do not suffer from any illegality, irregularity or perversity.

4. Accordingly, the instant misc. petition is hereby dismissed as being devoid of merit.