



**204 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-21125-2022**

**Date of decision:26.05.2025**

**RAMAN GUPTA**

.....Petitioner

Versus

**STATE OF PUNJAB AND ANOTHER**

.....Respondents

**CORAM: HON'BLE MR. JUSTICE H.S. GREWAL**

**Present:** Mr. Sudeep Mahajan, Advocate with  
Ms. Saachi Mahajan, Advocate and  
Mr. Shiv Charanjit, Advocate  
for the petitioner.

Mr. Manvir Singh Toor, AAG, Punjab.

Mr. Vishal Goel, Advocate and  
Mr. Gaurav Mohunta, Advocate for respondent No.2.

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**H.S. GREWAL J. (Oral)**

1. The petitioner is seeking quashing of FIR No.02 dated 02.01.2021 under Sections 420, 120-B IPC, 1860 (Section 380 IPC, 1860 has been added later on) registered at Police Station Lahori Gate, (P.S. Division No.4) Patiala and all consequential proceedings arising therefrom.

2. The allegations against the petitioner as per FIR (Annexure P1) can be read as under:

*“At this time, one complaint No. 3973/OP dated 10.11.2020 submitted by Mitin Garg son of Sh. Om Parkash Garg resident of H.No. 3945/2, Palang Bazar, Patiala against Atul Mittal son of Somnath Mittal resident of H.No.72-A-Bank Colony, Patiala has been received through post from the office of SSP, Patiala, the contents of which are as follows - "To, Hon'ble SSP, Patiala. Sub: Complaint against (1) Atul Mittal son of Sh. Somnath Mittal, resident of H.No.72-A, Bank Colony, Patiala and (2) Raman Gupta son of Sh. Madan Lal Gupta, resident of Syndicate House, First Floor, Lahori Gate, Patiala under section 379, 420, 467, 468, 471, 406, 120-B IPC, P.S. Kotwali, Patiala regarding registration*



*of FIR. Sir, It is respectfully submitted that the complainant Mitin Garg son of Sh. Om Parkash Garg is resident of H.No.3945/2, Palang Bazar, Patiala and respectfully submits as under: (1) That the complainant is a peace loving and law abiding citizen and residing at the above mentioned address. (2) That the complainant received one legal notice from above accused Atul Mittal on 20.09.2019, which is absolutely illegal, false and frivolous. In this legal notice, false allegations have been levelled against me to the effect that I had received Rs.2.50 lacs from above Atul Mittal as advance. It is pertinent to mention here that the complainant never showed any plot for a deal to above accused Atul Mittal nor has ever entered into an agreement with him. All the facts contained in the said notice are false and baseless. (3) That above said legal notice was sent by above said Atul Mittal in connivance with accused Raman Gupta in order to blackmail me. True facts are that Raman Gupta used to visit our house on occasions. Raman Gupta visited my house on 14.12.2017, when my elder brother Happy had died. During this, he has taken away some documents including 6-7 cheques from our house. Out of these cheques four cheques had been signed by me and my brother Sunil Garg. My entire family was under a mode of shock on account of death of my elder brother. Later on when we tried to search above said documents and cheques, we came to know that we had forgotten about the same after keeping the same in the house itself. However, Raman Gupta after filling our blank signed cheques, presented one cheque against me and one my brother Sunil Garg and thereafter filed complaints under section 138 of the N.I. Act. (4) It is pertinent to mention here that Raman Gupta despite having filed complaints against both of us regarding cheque bounce, with an intention to further blackmail us, used to say that he would present more cheques against us. In this regard, we have already moved complaints to senior officers and also have filed one complaint in the Hon'ble Civil Court, Patiala against Raman Gupta for restraining him not to misuse our cheques. I and my brother have already instructed the bank for stop payment of the cheques about one year ago. (5) That above said accused in connivance with each other are going to file yet another false complaint u/s 138 of N.I. Act against me in respect of cheque no. 011704 dated 19.08.2019 for a sum of Rs.2,50,000/-. (6) That this cheque was with above said accused Raman Gupta. I have no dealings whatsoever with above said Atul Mittal nor I am having any family relations with him nor*



*we have talked to each other on phone ever. Now above said both accused in connivance with each other are blackmailing me. As such, it is requested that requisite action be taken against above said accused persons and FIR u/ss 379, 420, 467, 468, 471, 406, 120-B IPC be registered against them.”*

3. Learned counsel for the respondent-complainant alleges that 07 cheques were stolen from his house at the time when his brother had expired and the petitioner had come to pay his condolences. It is stated that out of 07 cheques, 03 have been misused by the petitioner as one cheque bearing number 001670 amounting to Rs.6 lakhs and another cheque number 824076 that of Rs.50,000/- were presented before the Bank. However, the cheque amounting to Rs.50,000/- was dishonoured due to insufficient funds and the cheque of Rs.6 lakhs was returned with the remark ‘payment stopped’. He further states that stop payment was made on 11.01.2017 i.e. about 11 months prior to the date of the cheque. Later on, the petitioner-complainant filed proceedings under Section 138 of Negotiable Instruments Act, 1881 for dishonour of both the cheques. Consequently, vide judgment and order dated 19.04.2023, the respondent-accused was convicted and sentenced to undergo simple imprisonment for a period of 18 months and was further directed to pay compensation to the complainant equal to the amount of cheque with future lite interest @ 9% per annum from the date of the said judgment.

4. Learned counsel for the petitioner contends that the respondent’s family as well as that of the petitioner were on good terms before the said litigation between them. He further contends that the said FIR was registered falsely against the petitioner, since the aforementioned cheques were handed over to the petitioner by the respondent-accused. Later on, learned counsel for the respondent-accused has alleged that the said cheques were stolen.



3. I have heard learned counsel for the parties at length and perused the material placed on record.

4. From the bare reading of the FIR, it is quite unbelievable that the cheques were signed by the brother of the respondent-accused and the cheque bearing no.824076 amounting to Rs.50,000/- was filled in by the brother of the respondent-accused and cheque bearing no.001670 for amount of Rs. 6 lakhs was signed by the respondent himself. However, it is not believable that both the cheques, alongwith other cheques were kept at one place in an open eye-view which could have been taken away/ stolen by the petitioner especially at the time when the petitioner had come to pay condolences on the death of the respondent's brother. Moreover, in the proceedings under Section 138 of Negotiable Instruments Act, 1881, the respondent who was accused in those proceedings, had taken this defence that the cheques were stolen which has been disbelieved by the trial Court concerned and the said point has also been dealt with in its judgment dated 19.04.2023.

Keeping in view the aforesaid facts and circumstances, the FIR No.02 dated 02.01.2021 under Sections 420, 120-B IPC, 1860 (Section 380 IPC of 1860 has been added later on) registered at Police Station Lahori Gate, (P.S. Division No.4) Patiala, stands quashed. Pending applications if any also stand disposed of.

**26<sup>th</sup> May, 2025**

*Sonia Puri*

*Whether speaking/ reasoned*

*Whether reportable*

: Yes / No

: Yes / No

**(H.S. GREWAL)**

**JUDGE**