



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

123

**CRM-M No. 33537-2025 (O&M)
Date of Decision: 09.07.2025**

Surender Arya

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gyan Parkash Saini, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for directing respondent Nos. 2 & 3 to take legal action against the respondent Nos. 4 & 5 for harassing petitioner by misusing blank signed cheque No. 060744 of Indian Bank issued by petitioner in the name of respondent No. 5.

2. Contends that petitioner borrowed an amount of Rs. 9,00,000/- from respondent No.5-Manju i.e. Rs.8,85,000/- through Bank transaction and Rs. 15,000/- in cash on 12.01.2024, which was to be refunded by 11.11.2024.

2.1 Further contends that petitioner has already refunded an amount of Rs.1,36,000/- to respondent No.5 between 07.02.2024 to 19.08.2024 and Rs. 14,470/- to her husband-respondent No.4 between 12.05.2024 to 03.09.2024; balance amount of Rs.7,49,530/- agreed to be paid uptill



11.11.2024.

2.2 Also contends that petitioner issued a blank signed cheque bearing No.060744 in favour of respondent No.5 with instructions to present the same for encashment on directions of petitioner; but respondent No. 5 in connivance with her husband (respondent No.4) misused the aforesaid cheque; presented the same for encashment after filling an amount of Rs.9,00,000/- and got dishonored the same in January-2025.

2.3 Further contends that respondent Nos. 4 & 5 instead of pursuing civil remedy, is unnecessarily harassing him in connivance with the police officials.

2.4 Lastly contends that petitioner was never intimated about dishonor of the cheque in question.

3. Although there is no formal notice of motion; but, learned State counsel has vehemently opposed prayer on the premise that as per records, petitioner induced complainant-Manju (respondent No.5) to deliver an amount of Rs.9,00,000/- i.e. Rs.8,85,000/- through Bank transaction and Rs.15,000/- in cash and out of that amount, only around Rs.1.5 lakh has been refunded by petitioner; hence, he defrauded respondent Nos. 4 & 5.

3.1 Further submits that in this regard, reference can be made to the reply to representation dated 27.04.2025 (P-4) filed by respondent No.4-Subodh Kumar (husband of respondent No.5-Manju) to the Superintendent of Police, Sonipat; therefore, no other directions are required to be issued.

4. Heard learned counsel for the parties and perused the paper-book.

5. There is no quarrel that petitioner received an amount of Rs. 9,00,000/- and out of that, only around Rs.1.5 lakh has been refunded by him. *Prima facie*, as on today, it is established that from the very beginning



petitioner has intended to deceive respondent Nos. 4 & 5 and of course, cheque in question was dishonored. It was an option for respondent Nos. 4 & 5 either to file a complaint under Negotiable Instruments Act, 1881 or to pursue civil remedy, but petitioner cannot force the complainant to follow a particular course; rather all options, including putting criminal law into motion is available, to him.

6. In view of the above, no ground is made out to entertain the petition; hence, the same is dismissed.

7. Needless to say that above observations be not construed as an expression of opinion on the merits of allegations, in any manner.

Pending application(s), if any shall also stands disposed off.

09.07.2025
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No