



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>C528/1479/2026</u> M/s Shreeji Pharma Chem and Another --Applicants Versus State Of Uttarakhand --Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Piyush Sammal, learned counsel for the applicants. Mr. Sandeep Sharma, learned A.G.A. for the State of Uttarakhand. 2. The present Criminal Miscellaneous Application has been filed seeking quashing of the complaint being Criminal Case No. 2648 of 2025, dated 05.12.2025, instituted under Section 138 of the Negotiable Instruments Act, 1881, as well as the cognizance/summoning order dated 20.01.2026, passed by the learned Additional Chief Judicial Magistrate/ IIIrd Additional Civil Judge (Senior Division), Rudrapur, District Udham Singh Nagar. 3. Learned counsel for the applicant submits that the cheques in question were not issued towards the discharge of any legally enforceable debt or liability. It is contended that the settlement between the applicant and the complainant had already been concluded in the year 2025 itself and, therefore, no subsisting liability existed on the date of issuance of the cheque. It is further submitted that the allegations made in the complaint are false, fabricated and have been levelled only with a view to harass the applicant. 4. Having heard learned counsel for the applicant and having perused the



			material brought on record, this Court is of the view that the submissions advanced on behalf of the applicant relate to disputed questions of fact, including the existence of a legally enforceable debt or liability and the circumstances in which the cheques came to be issued. These are matters of evidence, which cannot be adjudicated upon in proceedings under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, while examining the legality of the summoning order. 5. At the stage of summoning, the Court is only required to ascertain whether a <i>prima facie</i> case is made out on the basis of the allegations contained in the complaint and the material placed in support thereof. The defences sought to be raised by the applicant are matters to be considered during the course of trial and cannot furnish a ground for quashing the complaint or the summoning order at this stage. 6. Accordingly, no interference is warranted in exercise of the inherent jurisdiction of this Court. However, it is observed that the applicant shall be at liberty to raise all such pleas before the trial court at the appropriate stage, which shall be considered on their own merits in accordance with law. 7. The Criminal Misc. Application is disposed of accordingly. (Alok Mahra, J.) 13-07-2026 SB
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