

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**

**C-482 No. 476 of 2011**

Rajendra Singh Sandhu S/o Sri Mahendra Singh Sandhu  
R/o House No. 210, Village Arsal Parsal, Tahsil Swar,  
District Rampur, Office at Sandhu Road Lines, New Dashmesh  
Transport behind P.N.B., Main Road, Bazpur,  
District Udham Singh Nagar.

...Petitioner

Versus

Orix Auto Infrastructure Services Ltd., Shop No. 65 & 66 S.G.A.D.  
Complex, Nainital Road Rudrapur, district Udham Singh Nagar  
Residential Address Plot no. 94 Marol Cooperative Industrial Estate  
Andheri Kurla Road, Andheri (E) Mumbai 400059, through Umesh  
Tyagi, Branch Manager, Orix Auto Infrastructure Services Ltd.,  
Haldwani Branch, Haldwani District Nainital.

...Respondent

**Hon'ble Prafulla C. Pant, J.**

Mr. Sharad Sharma, Sr. Advocate assisted by Mr. J.S. Bisht,  
Advocate, present for the petitioner.

Heard.

By means of this petition moved under Section 482 Cr.P.C. the  
petitioner has sought quashing of the proceedings of criminal case no.  
187 of 2011 (Orix Auto Infrastructure Services Ltd. Vs. Rajendra  
Singh) under Section 138 of the Negotiable Instruments Act pending in  
the court of Additional Chief Judicial Magistrate, Railway Haldwani.

It is pleaded on behalf of the petitioner that the dispute between  
the parties was referred to the arbitration and after considering the  
matter, arbitrator has given its decision.

Having considered the submissions made on behalf of the  
petitioner and gone through the contents of the papers on record, this  
Court is of the view that merely on the basis that the dispute has been  
referred to the arbitrator, and arbitrator has given its decision, it does  
not affect the criminal liability of a person said to have committed an  
offence. It is open for the petitioner to raise the plea of innocence or the  
adjustment as to the payments made subsequent to the issuance of the  
cheque before the trial court which can appreciate the factual disputes  
better. It is not desirable on the part of this Court in its jurisdiction  
under Section 482 Cr.P.C. to interfere with the trial of the case.

Therefore, without expressing any opinion as to the final merits of the case, the petition under Section 482 Cr.P.C. is summarily dismissed.

(Stay application no. 567 of 2011 also stands dismissed)

**(Prafulla C. Pant, J.)**

Dated 27.05.2011  
VKG