

**HIGH COURT OF MADHYA PRADESH; BENCH AT INDORE**

**1**

**M.Cr.C. No.22931 of 2018**

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**Neha Dwivedi Vs. Reliance Capital Limited**

**Indore: Dated:- 29/02/2020:-**

Shri Chetan Joshi, learned Counsel for the petitioner.

1. The petitioner has come before this Court for quashing criminal case No.1215/2017 registered against her under Section 138 of Negotiable Instruments Act, 1881.
2. The grounds taken by the petitioner are in two folds. First; she is not drawer of the cheque and second she has taken divorce from her husband. It is also submitted that she is not proprietor of the firm, who has taken loan from the respondent. Certificate issued by the Municipal Corporation under Registration of Establishment and decree of divorce have been pointed out by the learned Counsel for the petitioner.
3. Copy of the complaint is annexed with the petition.
4. In the complaint preferred by the respondent, it is specifically stated that it is the petitioner, who had taken loan and it is only the petitioner, who had issued the cheque for re-payment of that loan.
5. The petitioner is denying her signature on the disputed cheque, while the respondent is claiming that the cheque was signed by the petitioner. Thus, this is a disputed question of fact, which can only be determined and decided by the Trial Court after hearing both the parties and after granting both of them opportunity of adducing evidence.
6. In such situation, case registered against the

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**2**

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petitioner cannot be quashed in exercising powers under Section 482 Cr.P.C., therefore, in view of the law laid down in the case of **S. Krishnamoorthy Vs. Chellammal** reported in **(2015) AIR (SCW) 4341** and in the case of **Devendra Kumar Rai Vs. Ram Gopal Rai and another** reported in **(1998) 34 ALR 169**, the petition is dismissed.

**(Virender Singh)**  
**Judge**

Pankaj

Digitally signed by Pankaj Pandey  
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