

Criminal Procedure Code, 1973, S. 482 - Negotiable Instruments Act, 1881, S. 138 - Court should be slow to grant the relief of quashing a complaint at a pre-trial stage, when the factual controversy is in the realm of possibility particularly because of the legal presumption - The factual defence without having to adduce any evidence need to be of an unimpeachable quality, so as to altogether disprove the allegations made in the complaint - The consequences of scuttling the criminal process at a pre-trial stage can be grave and irreparable - Quashing proceedings at preliminary stages will result in finality without the parties having had an opportunity to adduce evidence and the consequence then is that the proper forum i.e., the trial Court is ousted from weighing the material evidence - If this is allowed, the accused may be given an un-merited advantage in the criminal process - Also because of the legal presumption, when the cheque and the signature are not disputed by the appellant, the balance of convenience at this stage is in favour of the complainant/prosecution, as the accused will have due opportunity to adduce defence evidence during the trial, to rebut the presumption.

[2022 S.Cej 0547](#)