# Cheque Bounce Case

**Q. What is meant by a cheque bounce case?**  
  
A.  A check bounce case is a legal issue that occurs when a bank refuses to process a cheque owing to inadequate funds in the account or other reasons.  
  
  
**Q. Whether cheque bounce is a criminal and punishable offence?**  
  
A. Yes, it is a criminal offence punishable with imprisonment up to 2 years and/or a fine.   
  
  
**Q. What legal action can be taken in the case of a cheque bounce case?**  
  
A. The holder has the right to file a complaint under Section 138 of the Negotiable Instrument Act. Also, along with this complaint, a civil suit for recovery of the money can be filed.   
   
**Q. How to file a criminal case in a cheque bounce case?**  
  
A. To file a criminal case-  
  
15 days after the expiry of the cheque bounce notice, file the complaint before the magistrate;  
  
Appear in front of the magistrate and provide the necessary details and evidence, if the court is satisfied, summons are issued;  
  
Once the issuer of the cheque appears in court and either accepts or denies the liability. If he denies the liability of the cheque the issuer has to apply for bail with a surety;  
  
Both sides file their facts and evidence;  
  
The court takes a decision.   
  
  
**Q. According to the Negotiable Instrument Act, who can file a complaint regarding cheque bounce?**  
  
A. Section 138 of the Negotiable Instrument Act does not bar anyone; according to it, any individual, company, or firm (registered and unregistered) can file a case.   
  
  
**Q. In a cheque bounce case, the jurisdiction lies with which court?**  
  
A. The courts whose local jurisdiction the offence was committed, that is, the locations where the bank on which the cheque is written dishonoured the cheque, have territorial jurisdiction over cases involving cheque dishonour. Furthermore, if the cheque is given to the bank for payment, the complaint shall be filed in the court where the drawer maintains his account.

**Q. Can a matter related to cheque bounce be settled outside the court?**  
  
A. Yes, alternative methods can be taken by the parties, but it is advised to get the agreement written and signed once the matter is settled.  
  
  
**Q. Under what circumstances is cheque bounce not considered an offence?**  
  
A. There are 6 major conditions-  
  
The cheque received is not in proper condition;  
  
The cheque has been given as a collateral property;  
  
The cheque has been given in advance;  
  
The amount written in numbers and words does not match;  
  
The cheque has been given with the intention of charity or donation;  
  
The issuer within 15 days of receiving the notice makes the payment.  
  
  
**Q. Can one appeal against the judgement of a cheque bounce case?**  
  
A. Yes.

**Q. If there are various cheques which have been dishonoured, can only one complaint be filed for all of them?**  
  
A. Though it is advisable to file separate complaints. Yet according to Section 220 of the Criminal Procedure Code, only one complaint can also be filed for several dishonoured cheques.  
  
  
**Q. What are the necessary documents that are required to be provided to the court?**  
  
A. The original cheque, the legal notice sent to the issuer of the cheque and the evidence that the notice was received by the issuer. Furthermore, the advocate provides a list of documents which help to strengthen the case, they differ from case to case.   
  
  
**Q. Is there any time limit?**  
  
A. Yes, the case has to be filed within 30 days of the receipt of the legal notice issued.   
  
  
**Q. What are the consequences of filing a fake case?**  
  
A. If someone is implicated in a fraudulent cheque bounce case, he should submit his defence and evidence in court, and he/she will undoubtedly receive justice, or in certain situations, he/she can even seek the Hon'ble High Court to have the complaint case dismissed, may also file a case of defamation.   
  
  
**Q. How much time does a case take?**  
  
A. Even though it is difficult to state the exact time given the fast trial court set up for the same purpose the cases may get settled in two to three hearings.

**Q. Can a complaint filed be amended under section 138 of the Negotiable Instrument Act?**  
  
A. In the case of Oswal Finlease Private Limited v. State of Rajasthan & Anr, the court held that the court cannot punish an individual for a genuine mistake hence the complaint can be amended.

# Divorce Law Guides

**Q. What is the first step of the Divorce procedure in India?**

A. A suitable petition is filed in an appropriate family court, thus initiating the Divorce procedure.

**Q. Is it necessary to file a divorce with the help of a lawyer in India?**

A. No, it is not necessary to hire a lawyer, however, considering the complexities involved, it is highly recommended to hire one.

**Q. What are the two ways to file a Divorce in India?**

A. The two methods through which Divorce can be filed in in India are

1. Mutual Divorce

2. Contested Divorce

**Q. What is the procedure for contested divorce in India?**

A. For a Contested Divorce in India, a divorce petition can be filed in the appropriate court, after which notice is to be served to the spouse, hearings are to be attended, and then based on the proceedings - the Court will give its decision.

**Q. What is the procedure for mutual divorce in India?**

A. Mutual Divorce in India involves filing of a joint petition, recording of statements, a cooling-off period, filing of a second motion and obtaining the mutual divorce decree.

**Q. Can Divorce in India be given completely one-sided?**

A. No.

**Q. Which is the less expensive divorce in India?**

A. Mutual Divorce can cost considerably lesser than Contested Divorce in India.

**Q. How much does it cost for divorce in India?**

A. It depends upon the kind of divorce (mutual or contested), the city or town and the standing of the lawyer that you hire.

**Q. Is it possible for spouses to remarry after Divorce?**

A. Yes, it is possible.

**Q. Do men and women have different procedures to file Divorce in India?**

A. No, the procedure to file for Divorce, whether mutual or contested remains the same for both the man and woman.

**Q. What is the quickest way to get Divorce in India?**

A. Mutual Divorce may turn out to be a faster process since both the parties agree on matters like alimony, custody, etc.

**Q. How long does it take to get a Divorce in India?**

A. Mutual divorce can be finished within 2-3 years and contested divorce may las longer depending upon the parties’ contentions.

**Q. When can an individual file for divorce?**

A. A mutual divorce can be filed when both parties are ready for divorce, and for contested divorce, when either of the parties decides to be divorced.

**Q. Is it possible for NRIs to file for divorce in India?**

A. Yes.

**Q. What documents can be necessary for a Divorce in India?**

A. Marriage invite, photos from the ceremony, marriage certificate, ID and residential proofs of the parties, birth certificate of children (if any), passport size photos, etc.

**Q. Can a person file divorce within a month of marriage?**

A. No.

**Q. What is the earliest that parties can get divorced in India after marriage?**

A. A minimum period of one year must pass before filing for Divorce in India.

**Q. What are the grounds on which contested divorce can be filed in India?**

A. Either spouse can file for divorce on the ground(s) of desertion, cruelty, conversion, insanity, leprosy, venereal disease, renunciation, presumption of death, etc.

**Q. Can annulment of marriage take place on the ground of impotency?**

And. Yes

**Q. What is the ground of desertion in Divorce?**

A. Permanent abandonment of one spouse by the other without any reasonable justification and consent is considered to be desertion.

**Q. Can a person get married with another person during the divorce proceedings with spouse?**

A. No. Unless divorce is finalised and decree is granted by the Court, no person going through the divorce proceedings can remarry.

**Q. What is adultery in contested divorce?**

A. Adultery is a ground for contested divorce. It is consensual and voluntary intercourse between a married person with another person (whether married or not).

**Q. In case of adultery by wife, can a man file for Divorce, or is it only a ground available with the wife?**

A. No, it is not only a ground available with wife. If adultery has been done by wife, the husband also has a right to file for divorce on this ground.

**Q. Can both husband and wife file for divorce?**

A. Yes.

**Q. Is it more advantageous to file for contested divorce rather than mutual divorce?**

A. Depends upon the facts and circumstances of each case. However, generally, mutual divorce is more hassle free if compared to contested divorce.

**Q. Is contested divorce hassle-free?**

A. Depends upon the facts and circumstances of each case. However, if the spouses are not agreeable to any decisions of property division, child custody, maintenance and finances, then, contested divorce can be a daunting process.

**Q. Is divorce available to Muslims in India?**

A. Yes.

**Q. Under which laws can a Hindu couple get divorced in India?**

A. The Hindu Marriage Act 1955 provides for divorce for Hindu couples in India.

**Q. Can a couple live separately without divorce?**

A. Yes, living separately is possible, however, that does not automatically make the couple divorced.

**Q. In Hindu couples, can parties divorce on their own without Court interference?**

A. No. Parties need to approach the court and only the court can grant a decree of divorce to the married couple.

**Q. How is maintenance decided in a contested divorce in India?**

A. Maintenance can be filed for with the help of a lawyer, in the family court where divorce proceedings are going on. It is decided after considering the arguments presented by each party in the court.

**Q. If a couple has been married in one state, can they be divorced in another state?**

A. Yes.

**Q. Is annulment of marriage the same as divorce in India?**

A. No.

**Q. Does irretrievable breakdown of marriage ensure Divorce in court?**

A. No, it does not ensure Divorce.

**Q. How is child custody decided in India during divorce?**

A. Courts take welfare of the child as the most important consideration while deciding custody of the child. The contentions stated by both parties is heard and the decision depends upon the facts and circumstances of each case.

**Q. Is there any difference between Divorce and Annulment?**

A. Yes, divorce is different from annulment. Annulment essentially declares a marriage null and void I.e. technically erasing the marriage, however, divorce is termination and legal dissolution of marriage.

**Q. Can divorce be granted even if one party does not agree and is against it?**

A. Yes, through the process of contested divorce.

**Q. Can a Muslim man take divorce by way of triple talaq?**

A. No, triple talaq has been banned and stands illegal in India.

**Q. Can a court deny divorce?**

A. Marriage is the rule and Divorce is an exception. Yes, courts can deny granting of divorce.

**Q. Is it important that both parties agree for Divorce before filing?**

A. No.

**Q. Can a wife file for divorce if husband has renounced the world?**

A. Yes

**Q. What kind of cruelty is necessary to file divorce in India?**

A. Cruelty is a ground for divorce. Cruelty can be both physical or mental in nature.

**Q. Are police and FIR necessary for divorce?**

A. No.

**Q. Can a divorce case be transferred from one state to another?**

A. Yes.

**Q. Is contested divorce different from uncontested divorce?**

A. Yes. If the spouses have agreed upon the divorce and matters such as custody, maintenance, etc., it is uncontested divorce. Conversely, if the couple is unable to decide significant matters mutually, then it is contested divorce.

**Q. Can a Hindu man marry another woman if the wife is not willing to divorce?**

A. No.

**Q. Can divorce be filed anywhere in the country and in any court?**

A. No. Divorce petition can be filed in the family court of appropriate jurisdiction, depending upon where the marriage took place or where the couple last resided, or as the case may be.

**Q. Can one get a Divorce online?**

A. No.

**Q. What is the easiest method to get divorce?**

A. Mutual divorce is easier than contested divorce, if the circumstances allow.

**Q. Is a legal notice by lawyer necessary to be sent to the spouse before filing for divorce?**

A. No.

**Q. Can another individual file divorce on behalf of either of the spouses?**

A. No. Only either the husband or the wife can file for divorce.

**Q. Is counselling mandatory before divorce in India?**

A. Counselling may  be suggested but it is not mandatory.

**Q. Can a person married under the Special Marriage Act file for divorce?**

A. Yes.

**Q. Can the husband or wife claim alimony or maintenance during divorce?**

A. Yes, either party can claim for spousal support and the court may grant it based on the circumstances of the parties to the divorce.

FIR

**Q. When can a FIR be quashed?**  
A. The High Court or Supreme Court may dismiss a First Information Report (FIR) in specific situations, such as when there is no supporting evidence or the complaint is baseless, vengeful, or resolved amicably between the parties.  
  
**Q. How much does it cost to quash a FIR?**  
A. There is no definite amount, it may differ from case to case but it can be done under 25,000 usually.  
  
**Q. Can 354 FIR be quashed?**  
A. Yes.

**Q. What is the process of quashing a petition?**  
A. A petition citing legitimate legal grounds is filed with the High Court or Supreme Court to quash a FIR. After hearing from both sides, the court considers the petition, looks over the evidence, and decides whether to dismiss the FIR.  
  
**Q. Is FIR quashing easy?**  
A. No, it is a complicated process.  
  
**Q. On what grounds is FIR quashed?**  
A. If the allegations are prima facie frivolous and false.   
  
**Q. How police can quash FIR?**  
A. Police cannot quash an FIR but can only file a closure report.  
  
**Q. Who has the power to quash FIR?**  
A. The High Court and the Supreme Court.   
  
**Q. What type of case can be quashed?**  
A. Cases where the complainant and accused come to a settlement, involve civil disputes, are minor offences, compoundable offences, or lack supporting evidence are eligible for quashing.  
  
**Q. How long does quashing take?**  
A. It cannot be predicted but usually between 2-5 hearings are required before the court.

**Q. What happens after FIR is quashed?**  
A. An FIR that is quashed ends the legal proceedings related to that specific FIR. It is no longer necessary for the accused to appear in court or go through a trial about the quashed FIR.  
  
**Q. Can police file a chargesheet without evidence?**  
A. The chargesheet is considered incomplete without evidence though the acceptance depends upon the discretion of the court.   
  
**Q. How can FIR be closed?**  
A. If it is quashed by the court or the police officers file a closure report.   
  
**Q. What are the documents required for quashing of FIR?**  
A. The quashing petition may require documents such as a copy of the FIR, pertinent court orders, proof of the grounds for quashing, and any settlement agreements between the parties.  
  
**Q. Can police remove sections from FIR?**  
A. No.   
  
**Q. What is the power of quashing?**  
A. It gives power to the court to remove unnecessary FIRs and speed up the justice process.

**Q. Can FIR can be withdrawn?**  
A. No.  
  
**Q. Can quashed FIR be reopened?**  
A. Not until there is discovery of new evidence or the facts change.   
  
**Q. How can I remove my name from FIR?**  
A. Your name cannot be taken out of a FIR directly. You can ask the police to submit a closure report that states your innocence or lack of involvement, or you can go to court with a quashing petition.  
  
**Q. What is the next procedure after FIR?**  
A. The police look into the matter, gather evidence, and then file a charge sheet in court after receiving a formal complaint. Based on the presented evidence, the court then determines whether to move forward with the trial.  
  
**Q. How do I know if my FIR is closed?**  
A. The easiest method is to go to the police station and ask.   
  
**Q. What offences can be quashed?**  
A. A court may decide to quash an offence if it is compoundable, frivolous, settled amicably, lacks supporting documentation, or was filed maliciously.

**Q. Is FIR permanent?**  
A. Yes, even after getting quashed, the records remain there.   
  
**Q. Can we close the case after FIR?**  
A. No.   
  
**Q. Can the police register FIR itself?**  
A. Yes for a cognizable offence.

# Property Verification

**Q. How do I verify my property?**  
A. Verifying a property's legal status, ownership, and legitimacy is known as property verification. It involves visiting the local land registrar's office to confirm ownership records, checking pertinent documents, and performing a title search.  
  
**Q. How do you check if a property is valid?**  
A. Check the ownership documents and title deed and verify the documents at the registrar’s office.

**Q. What is the meaning of property verification?**  
A. Verifying a property's legitimacy, ownership, and legal status is known as property verification. To guarantee a clear and legitimate title, it entails a careful inspection and verification of property documents and records.   
  
**Q. What is land verification?**  
A. Evaluating a piece of land's legitimacy and legal standing is known as land verification.   
  
**Q. How do I verify a property before buying it?**  
A. To confirm that a property is valid and legally owned, you should examine all property documentation, conduct a title search, confirm land records at the registrar's office, physically inspect the property, and get legal counsel.  
  
**Q. Can we buy a flat without OC?**  
A. No  
  
**Q. How is property ownership proven?**  
A. Legal records that demonstrate a person's legitimate ownership of the property, such as sale deeds, property registration documents, title deeds, property tax receipts, and other pertinent records, are used to prove property ownership.  
  
**Q. How do you check if the property is transferred or not?**  
A. By checking the ownership transfer records, registering documents, and doing a title search at the registrar's office, you can determine whether a property has been transferred.

**Q. What documents show ownership of land?**  
A. Sale deeds, property registration documents, title deeds, survey maps, property tax receipts, and any other legal documentation proving the property's transfer or inheritance are examples of documents proving land ownership.  
  
**Q. What is a property certificate?**  
A. An official document issued by the appropriate authorities verifying specifics about a property, such as ownership, legal status, measurements, and any liens or encumbrances affecting the property, is called a property certificate.  
  
**Q. Is Khatauni proof of ownership?**  
A. Yes, it shows the ownership of land.   
  
**Q. What is a proof of ownership letter?**  
A. A letter confirming the ownership of a piece of property by a person or organisation is known as a proof of ownership letter. It may be used in legal proceedings and frequently contains information about the property and its owner.  
  
**Q. WHO issues a certificate of ownership?**  
A. The local development authorities issue the certificate of ownership. For example- Haryana Urban Development Authority issues ownership certificates in Haryana.

**Q. What is a document of title to property?**  
A. Legal documents proving ownership rights to property are referred to as documents of title. It comprises title deeds, property registration documents, sale deeds, and any other officially acknowledged proof of ownership.  
  
**Q. What property Cannot be transferred?**  
A. The properties which cannot be transferred are mentioned in Section 6 of the Transfer of Property Act and they are-   
  
Mere chance or hope of succession; A mere right of re-entry; Right in aliena- easements; Personally restricted interest; Right to future maintenance; A mere right to sue; Public offices; Unlawful transfers; Stipends and pensions; Other occasions.  
  
**Q. Is mutation proof of ownership?**  
A. No, it is proof of possession, not ownership.   
  
**Q. Which kind of property is transferable?**  
A. Section 6 also gives the properties that are allowed to be transferred, and it includes all the moveable and immovable properties mentioned other than the exceptions.   
  
**Q. What is the valid transfer of property?**  
A. The Act mandates that delivery of possession be included in property transfers. It implies that the property must be physically transferred by the transferor to the transferee. For the transfer to be considered legitimate, this condition must be satisfied for it to be accepted by law.  
  
**Q. How can property be transferred?**  
A. Sales deed, gift deed, relinquishment deed or will.

**Q. Which is better gift deed or Will?**  
A. The decision between a will and a gift deed is based on certain facts. Ownership is transferred immediately by a gift deed, but it is transferred after the donor's death by a will. Finding the right choice is aided by speaking with legal professionals.  
  
**Q. How do I transfer property from father to son?**  
A. It can be easily done through a gift deed but one should consult a lawyer as it may differ from case to case.   
  
**Q. Who can not transfer immovable property?**  
A. Minors, unsound persons and any person who does not have an interest in the property and the title deed of the immovable property.