

Court No. - 86

Case :- APPLICATION U/S 482 No. - 570 of 2022

Applicant :- Rajendra Prasad Gaur

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Arvind Kumar Tewari, Sanjay Pathak, Vivek Jaiswal

Counsel for Opposite Party :- G.A., Jaysingh Yadav

Hon'ble Rajiv Gupta, J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the records, however, learned counsel for opposite party no.2 has not appeared.

2. This application under Section 482 Cr.P.C. has been filed with a prayer to quash summoning order dated 23.03.2021 as well as entire proceedings of Complaint Case No. 1296 of 2018, (Tulsi Ram Vs. Rajendra Prasad Gaur), under Section 138 of Negotiable Instrument Act, Police Station Lalitpur, District Lalitpur, pending in the court of Judicial Magistrate, Lalitpur.

3. As per the allegations made in the complaint, it is alleged that the applicant issued a Cheque No.165718 for a sum of Rs.2,50,000/- dated 17.01.2020 in favour of opposite party no.2 and on presentation of the said cheque before the bank, it was dishonoured and returned back. Thereafter, a notice was sent to the applicant to make good the payment of cheque amount, however, despite being noticed, the applicant had not made good the payment of the cheque amount, as such, a complaint under Section 138 of Negotiable Instrument Act (in short 'NI Act') had been registered against the applicant.

4. On the basis of the said complaint, learned Magistrate, after considering the allegations made in the complaint and making requisite enquiry under Sections 200 CrPC has summoned the applicant to face trial under Section 138 of the Negotiable Instruments Act vide order dated 23.03.2021.

5. Being aggrieved and dissatisfied by the said order dated 23.03.2021, the present application u/s 482 Cr.P.C. has been filed.

6. During the pendency of this application, this Court vide order dated 05.07.2022 had directed the parties to appear before the Mediation and Conciliation Centre of this Court in order to enable the parties to explore the possibility of settling the dispute through mediation.

7. Pursuant to the said order dated 05.07.2022, the parties appeared before the Mediation and Conciliation Centre of this Court and with the help of the mediators, the dispute between the parties was amicably settled and a settlement agreement dated 15.10.2022 has been drawn between the parties, a copy of which has been annexed with the record of this case, which shall form part of this application.

8. Perusal of the said settlement agreement dated 15.10.2022 shows that the parties had agreed to settle the dispute amicably on payment of Rs.2,50,000/- to opposite party no.2. Consequent thereto, on 15.10.2022, the applicant had handed over a Demand Draft No.451333 dated 11.10.2022 for an amount of Rs.2,50,000/- to opposite party no.2, Tulsi Ram, the receipt of which has been acknowledged by him.

9. Learned counsel for the applicant has next submitted that in view of the said compromise made between the parties, entire proceedings be quashed.

10. Learned AGA could not dispute the aforesaid facts.

11. In view of the aforesaid, when the dispute between the parties has already been settled and the amount of Rs.2,50,000/- has been paid to opposite party no.2, I am of the view that the instant proceedings are liable to be quashed and it is accordingly quashed.

12. The present application u/s 482 Cr.P.C. is, accordingly, **allowed**.

Order Date :- 7.11.2023

Subham