

Court No. - 88

Case :- APPLICATION U/S 482 No. - 28138 of 2023

Applicant :- Ajit Kumar Singh

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

Counsel for Applicant :- Shiv Naresh, Sakshi Patel

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh, J.

1-Heard learned counsel for the applicant, learned Additional Government Advocate for the State of U.P./opposite party no. 1.

2-This application under Section 482 Cr.P.C. has been filed by the applicant with a prayer to quash the order dated 01.08.2018 and proceedings of Case No. 473 of 2016 (Mahindra & Mahindra vs. Ajit Kumar), under Section 138 N.I. Act pending in the court of Additional Chief Judicial Magistrate, Vth, Jaunpur.

3-On 06.09.2023, this Court has passed the following order:-

"At the outset, learned counsel for the applicant submits that the applicant is an accused in a case under Section 138 of Negotiable Instruments Act. A cheque no. '029663' of Rs. 7,70,278/- issued by the applicant in favour of opposite party no. 2 has been dishonoured. The applicant is on bail and his trial is going on but he is willing to settle the dispute by way of mediation.

Learned A.G.A. has accepted notice on behalf of State of U.P./opposite party no. 1.

Let a notice be issued to the opposite party no.2 through Chief Judicial Magistrate, Jaunpur.

List this case on 28.09.2023 as fresh.

On the next date of listing, both the applicant and opposite party no. 2 shall appear before this Court."

4-Pursuant to aforesaid order dated 06.09.2023, office has submitted a report dated 01.11.2023 that notice has been served upon the opposite party no. 2 but no one has put in appearance on his behalf. Since the applicant is not pressing the relief as sought for by means of this application

and willing to settle the dispute by way of compromise, therefore, this Court feels it appropriate to give liberty to the applicant to move an appropriate application before the concerned court below.

5-Accordingly, this application stands disposed of with a direction to the applicant to move an appropriate application for compromise in the matter within two weeks' before the trial court. If such an application is moved, the trial court after giving opportunity of hearing to the complainant shall decide the same within two weeks' in accordance with law.

Order Date :- 2.11.2023

Saurabh