

**Court No. - 88**

**Case :-** APPLICATION U/S 482 No. - 29027 of 2023

**Applicant :-** Smt. Savita Singh

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

**Counsel for Applicant :-** Saket Pandey,Udai Chandani

**Counsel for Opposite Party :-** G.A.,Brijesh Kumar Srivastava,Shivanshu Shekhar

**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 and perused the record.

2-This application under Section 482 Cr.P.C. has been filed by the applicant to quash the summoning order dated 11.08.2021 passed by Additional Chief Judicial Magistrate, Court No.3, Varanasi, proceedings of Complaint Case No. 15289 of 2021 (Brij Mohan Tiwari Vs. Savita Singh), under Section 138 of Negotiable Instrument Act, Police Station-Bhelupur, District-Varanasi and order dated 20.06.2023 passed by Additional Judge, Varanasi in Complaint Case No. 128 of 2022 (Brij Mohan Tiwari Vs. Savita Singh), under Section 138 of Negotiable Instrument Act, Police Station-Bhelupur, District-Varanasi.

3-It is submitted by learned counsel for the applicant that applicant had borrowed Rs. 2,00,000/- from the complainant/opposite party no.2 and in lieu thereof, she had given the cheque in question to opposite party no.2 for the purpose of security, which has been misused by the complainant even after returning Rs. 2,00,000/- by the applicant to the complainant, but learned trial court without considering said facts rejected the discharge application of the applicant by the impugned order dated 20.06.2023.

4-Learned counsel for the applicant after advancing his arguments at some length and putting certain query by the Court as to whether defence of the accused can be taken into consideration at this stage

or not, he gave up his challenge to the aforesaid impugned summoning order, impugned order dated 20.06.2023 and impugned criminal proceedings against the applicant and confined his submission requesting to grant some protection to the applicant to surrender before the concerned court below. The learned counsel for the applicant further stated at the Bar that he is not pressing any other prayer made in this application on merits and prayed that a direction may be issued to the concerned court below to consider and decide the bail application of the applicant expeditiously.

5-Learned A.G.A. for the State of U.P. submits that in case the applicant is not pressing the relief as sought for by her on merits and wants to surrender before the concerned court below, he has no objection if the Court grants protection to her for a short period.

6-In view of the above, the relief as sought by the applicant in the instant application is refused.

7-However considering the aforesaid alternative prayer made by learned counsel for the applicant, it is directed that the applicant shall surrender before the concerned court below within three weeks from today and in case applies for bail, the bail application of the applicant shall be disposed of expeditiously by the courts below in accordance with law and keeping in view the guidelines as laid down by the Apex Court in the case of **Satender Kumar Antil vs Central Bureau of Investigation and another**, reported in 2021 SCC Online SC 922.

8-For the period of three weeks from today or till the time of surrender of the applicant before the concerned court below, whichever is earlier, she shall not be arrested in the above case.

9-With the above observations and directions, this application under Section 482 Cr.P.C. is disposed of.

**Order Date :- 27.10.2023**

Kashifa