

Court No. - 88

Case :- APPLICATION U/S 482 No. - 34151 of 2023

Applicant :- Shil Kumar Singh

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

Counsel for Applicant :- Ashutosh Ganguli, Amrendra Pratap Singh, Shivendra Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh, J.

1-Heard learned counsel for the applicant as well as 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 preferred by the applicant-Shil Kumar Singh, who is accused in this case to quash the proceedings of Complaint Case No. 419 of 2020 (Uma Shankar Singh versus Shil Kumar Singh) under Section 138 N. I. Act, Police Station-Pahadi, District-Chitrakoot, pending in the court of Judicial Magistrate -I, Chitrakoot.

3-Main substratum of argument of learned counsel for the applicant is that proceeding before the concerned court below pursuant to complaint and summoning order dated 09.12.2019 against the applicant is not maintainable and abuse of the process of the court. It is also submitted that his application for raising objection dated 01.05.2023 has been illegally rejected vide order dated 23.08.2023.

4-On the other hand, learned A.G.A. opposing the said submissions of learned counsel for the applicant submitted that trial of the applicant is at the stage of recording statement of the complainant/opposite party no.2.

5-Having heard the submissions of learned counsel for the parties and perusing the record, I find that the dispute in this case is with regard to Cheque No. 076572 dated 30.04.2019 of Rs. 1,00,000/-. In this case complaint was filed on 12.07.2019, on which the Magistrate concerned took cognizance and summoned the applicants to face trial vide

order dated 09.12.2019 and the application dated 01.05.2023 of the applicant has been rejected vide order dated 23.08.2023, but neither summoning order nor the order dated 23.08.2023 has been challenged by the applicant.

6-In view of the above as well as considering the stage of trial of the applicant, I do not find any good ground to interfere in the matter.

7-The application lacks merits and is, accordingly, ***dismissed***.

Order Date :- 30.10.2023

Kashifa