

Court No. - 93

Case :- APPLICATION U/S 482 No. - 36055 of 2023

Applicant :- Raj Jaiswal @ Raj Abhishek Jaiswal

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

Counsel for Applicant :- Deepak Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Deepak Kr. Tripathi, learned counsel for the applicant and Sri Rajeev Kr. Singh, learned A.G.A. for the State.

2. The present application has been filed for quashing the summoning order dated 17.11.2022 passed by C.J.M., Sant Kabir Nagar and stay the further proceeding of Criminal Complaint Case No. 11088 of 2022 (*Vinod Jaiswal vs. Raj Jaiswal @ Raj Abhishek Jaiswal*), u/s 138 N.I. Act, P.S. Khalilabad, District Sant Kabir Nagar.

3. Contention of learned counsel for the applicant is that the cheque in question is a forged cheque and this cheque belongs to the account of the applicant which was closed in the year 2017. It is further submitted that the impugned proceeding is nothing but a counter blast as the applicant had already initiated proceedings u/s 138 N.I. Act against opposite party No.2, regarding a cheque issued by opposite party No.2. It is lastly submitted that in the impugned summoning order, the Court has recorded a finding that the cheque in question was returned due to insufficient amount but the slip of the bank shows that the cheque was returned for the reason that no such account was existing as on date.

4. After considering the submissions advance by the counsel for the applicant and on perusal of record, this Court finds that all these submissions are the defence of the applicant which can be raised in the trial, therefore, no case for interference is made out.

5. Accordingly, the application is **rejected**.

Order Date :- 16.10.2023

Vandana