

Court No. - 91

Case :- APPLICATION U/S 482 No. - 36962 of 2023

Applicant :- Shashank Singh Chandel

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

Counsel for Applicant :- Dharmendra Pratap Singh Chauhan

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

1. Heard learned counsel for the applicant and learned AGA for the State.
2. The present application u/s 482 Cr.P.C. has been filed by the applicant with the prayer to quash the cognizance/summoning order dated 17.02.2023 and impugned bailable warrant dated 21.07.2023 as well as the entire proceeding of Complaint Case No.252710 of 2022, under Section 138 of N.I. Act, Police Station Bithoor, District Kanpur Nagar.
3. Learned counsel for the applicant submits that the applicant has been summoned for the offence under Section 138 of N.I. Act on the complaint made by the opposite party no.2 as the offence is compoundable and the applicant intend to compound the same before the trial court but the bailable warrant has been issued.
4. On the other hand, learned AGA has opposed the prayer but could not dispute the aforesaid facts.
5. Having regard to the facts and circumstances of the case and having considered the submissions made by the learned counsel for the parties, I am of the view that no case is made out to interfere with the impugned order. There is no infirmity or illegality in the said order. The prayer made in the application is refused.
6. In view of the above, the present application is disposed of with a direction to the applicant to move an application for cancellation of bailable warrant as well as compounding the offence within a period of four weeks from today, the same shall be considered and decided in accordance with law. For a period of four weeks from today, effect and operation of the B.W. shall remain in abeyance.
7. It is made clear that no further time shall be allowed to the applicant to surrender before the court concerned.
8. With the above observations, the application stands **disposed of**.

Order Date :- 13.10.2023

Sanjeet