

**Court No. - 87**

**Case :-** APPLICATION U/S 482 No. - 37539 of 2023

**Applicant :-** Kapil Khatri

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

**Counsel for Applicant :-** Rajeev Kumar Srivastava

**Counsel for Opposite Party :-** G.A.

**Hon'ble Neeraj Tiwari,J.**

1. Heard learned counsel for applicant and learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to quash the entire proceedings of Complaint Case No. 1027 of 2022 (Sunil Dutt Vs. Kapil Khatri), under Sections- 138 N.I. Act, Police Station- T.P. Nagar, District- Meerut, pending in Additional Chief Judicial Magistrate, Court No. 7, Meerut.

3. From the perusal of the material on record and looking into the facts of the case as well as submission made by learned counsel for the applicant at this stage it cannot be said that no offence is made out against the applicant. All the submissions made at the bar, relate to the disputed questions of fact, which cannot be adjudicated upon by this Court under Section 482 Cr.P.C. At this stage only prima facie case is to be seen in the light of the law laid down by Supreme Court in cases of ***R.P. Kapur Vs. State of Punjab, A.I.R. 1960 S.C. 866, State of Haryana Vs. Bhajan Lal, 1992 SCC (Cr.) 426, State of Bihar Vs. P.P.Sharma, 1992 SCC (Cr.) 192 and lastly Zandu Pharmaceutical Works Ltd. Vs. Mohd. Saraful Haq and another (Para-10) 2005 SCC (Cr.) 283.*** The disputed defence of the accused cannot be considered at this stage.

4. Accordingly, the prayer for quashing the impugned summoning order is refused.

5. The instant 482 application lacks merit and is **dismissed**.

**Order Date :-** 6.11.2023/ADY