

Court No. - 91

Case :- APPLICATION U/S 482 No. - 37557 of 2023

Applicant :- Navin Nirav Pandey

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

Counsel for Applicant :- Amarnath Tripathi

Counsel for Opposite Party :- G.A.,Ashok Kumar
Upadhyay,Shailendra Kumar Singh

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 summoning order dated 29.04.2023 as well as the entire proceeding of Complaint Case No.27580 of 2020, under Section 138 of Negotiable Instrument Act, pending in the court of A.C.J.M., Court No.3, Varanasi.
3. Learned counsel for the applicant submits that on the false and frivolous allegation, a complaint has been filed by the opposite party no.2 against the applicant with the allegation that on several occasions, the complainant had paid certain amount of money to the applicant for investment in the firm of the applicant, namely, M/s Aishwarya Traders. Further submission is that the applicant is innocent and has been falsely implicated in the present matter. Further submission is that continuation of the aforesaid proceeding is nothing but an abuse of process of Court, which is liable to be set aside.
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, after perusing the order as well as the materials brought on record and

having considered the submissions made by the learned counsel for the parties, it is evident that on factual side at the most it might be applicant's possible defence that impugned cheque is nothing but waste of papers. This Court at this stage cannot adjudicate upon the disputed facts and his possible defence by invoking inherent jurisdiction under Section 482 Cr.P.C.. Hence, the prayer made in the application is refused

6. With the aforesaid observations, the instant application u/s 482 Cr.P.C. is **dismissed**.

Order Date :- 6.11.2023

Sanjeet