

Court No. - 87

Case :- APPLICATION U/S 482 No. - 37643 of 2023

Applicant :- Parwez Aalam

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

Counsel for Applicant :- Prabhat Chandra Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for the applicant and learned AGA for the State.
2. Present petition has been filed for quashing of the order dated 14.6.2023 passed by Special Judge/Negotiable Instrument Act, Muzaffarnagar in Case No. 17464 of 2022 (Mahesh Kumar vs. Parwez Aalam), under Section 138 of N.I. Act, Police Station- Nai Mandi, District- Muzaffarnagar.
3. Being confronted by the Court, learned counsel for the applicant could not point out any single ground upon which order has been under challenged except inviting the attention of this Court by relying the judgment of Apex Court in the case of ***Jamboo Bhandari vs. M.P. State Industrial Development Corporation Ltd. & Ors. passed in Criminal Appeal No. 2741 of 2023, arising out of SLP (Crl) No. 4927 of 2023.***
4. I have perused the judgment of Apex Court in the case of ***Jamboo Bhandari (Supra)***. In that judgment, fact was different as it was claimed by the appellant before the Apex Court that he has already deposited 20% amount of the compensation and considering this fact, matter was remanded back to Court to ensure as to whether 20% amount of the compensation has already been deposited or not.
5. Again being confronted by the Court, learned counsel for the applicant submitted that he had not deposited any amount earlier.
6. Therefore, under such facts and circumstances of the case, application lacks merit and is, accordingly, **dismissed**. No order as to costs.

Order Date :- 6.11.2023

Junaid