

**Court No. - 93**

**Case :-** APPLICATION U/S 482 No. - 42551 of 2023

**Applicant :-** Ashok Tripathi

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

**Counsel for Applicant :-** Vinod Kumar Tirpathi, Manoj Kumar Tripathi

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

**Hon'ble Manoj Bajaj, J.**

Applicant- Ashok Tripathi has filed u/s 482 Cr.P.C. for quashing of criminal complaint bearing number 1691 of 2020, titled *Sudhanshu Kumar Gaur vs. Ashok Tripathi*, under Section 138 Negotiable Instrument Act, 1881 on the ground that the dispute between the parties stands settled by intervention of the Mediation and Conciliation Centre of this Court through written settlement agreement dated 2nd August, 2023.

Learned counsel for the applicant submits that the complainant brought two separate complaints for alleged dishonour of two different cheques bearing numbers 659324 and 659326 for a sum of Rs.9,50,000/- and Rs.4,96,200/-, respectively. He submits that now the parties have amicably settled the dispute through the Mediation and Conciliation Centre of this Court as against the total amount of both the cheques i.e. Rs.14,46,200/-, the complainant has agreed to accept a sum of Rs.13,00,000/-. This amount is to be paid by 29th November, 2023, and against this, a sum of Rs.8,50,000/- has already been paid through a demand draft bearing number 922986 dated 2nd August, 2023.

Learned counsel states that the remaining amount of Rs.4,50,000/- is to be paid by 29th November, 2023. He prays that in view of this

development, the impugned complaint is rendered insignificant, therefore, the same be quashed.

Sri A.K. Mishra, learned counsel appearing on behalf of the complainant does not dispute the stand of learned counsel for the applicant and states that indeed the parties have amicably settled the dispute out of the total agreed amount of Rs.13,00,000/-, out of which Rs.8,50,000/- stands received by the complainant. He fairly states that in case, the applicant makes the remaining payment of Rs.4,50,000/- within the stipulated period i.e. 29.11.2023, he has no objection to the closure of the proceedings. He further prays that the proceedings of this case be deferred to await the compliance by the accused- applicant.

Upon hearing the learned counsel for the parties and considering their common stand, this Court is not inclined to keep this application pending as by virtue of settlement and part compliance, nothing survives in this case to be adjudicated on merits.

Since the complaints are still pending before the court of competent jurisdiction, therefore, this application is disposed of with the direction to the applicant- accused to make the payment of remaining agreed amount of Rs.4,50,000/- to the complainant before the trial court on 29th November, 2023 and if, the applicant- accused keeps his word, the trial court shall pass the formal order of disposing of the complaints in view of the settlement between the parties.

In view of above, this application is disposed of.

**Order Date :- 22.11.2023/Raj**