

Court No. - 92

Case :- APPLICATION U/S 482 No. - 43494 of 2023

Applicant :- Anil Kumar

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

Counsel for Applicant :- Sudhanshu Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Shesh Narayan Mishra, Advocate holding brief of Sri Sudhanshu Pratap Singh, learned counsel for the applicant and Sri Rajesh Kumar Singh, learned A.G.A. for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking quashing of charge sheet dated 25.08.2019 and impugned cognizance order dated 21.07.2020 as well as entire proceeding of Case No.5447 of 2020 (State Vs. Madanlal Lakhotiya), arising out of Case Crime No.335 of 2018, under Sections 406, 420 I.P.C., P.S. - Mangalpur, District - Kanpur Dehat, pending in the Court of Additional Chief Judicial Magistrate, Court No.1, Kanpur Dehat, on the basis of compromise.

3. Learned counsel for the applicant submits that the instant F.I.R. has been lodged by opposite party no.2 due to commercial dispute between the parties alleging that some amount to be due against the applicant herein, for which a cheque has been given by the applicant which has been dishonoured. He further submits that after submission of charge sheet the applicant has paid all the due amount to the opposite party no.2 and the opposite party no.2 on such basis has filed an application under Section 320 Cr.P.C. before the trial court concerned and has stated that he does not want to proceed against the applicant. In the instant case, the entire amount has been paid and no amount is due against the applicant herein. Learned counsel for the applicant has further submitted that the offences alleged against the applicant herein are the compoundable offences, therefore, application for compounding the offences has been moved in view of full payment made to opposite party no.2 by the applicant herein. Since the non-bailable warrants have been issued against the applicant, the applicant is not able to approach the court.

4. The applicant as well as opposite party no.2 are directed to

appear before the trial court within four weeks from today and on such appearance of the parties, the trial court shall decide the application dated 28.07.2023 moved by opposite party no.2 under Section 320 Cr.P.C., in accordance with law.

5. Till the period of four weeks, non-bailable warrant issued against the applicant herein shall be kept in abeyance.

6. The trial court shall make an endeavour to dispose of the application moved by the opposite party no.2 under Section 320 Cr.P.C. within a period of four weeks from today.

7. In view of the aforesaid, the application moved by the opposite party no.2 under Section 320 Cr.P.C., the instant application U/S 482 Cr.P.C. is **disposed of**.

Order Date :- 5.12.2023

Atul