

Court No. - 93

Case :- APPLICATION U/S 482 No. - 45335 of 2023

Applicant :- Kanchan Singh

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

Counsel for Applicant :- Ved Mani Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Applicant has filed this application under Section 482 Code of Criminal Procedure for quashing the summoning order dated 15.4.2023 as well as the entire proceedings of Complaint Case No. 10628 of 2022; titled Santosh Kumar Gupta vs. Kanchan Singh, registered under Section 138 of the Negotiable Instruments Act, pending before the Civil Judge (Junior Division)/F.T.C., Agra.

Learned counsel for the applicant has argued that the cheque in fact was issued by the applicant for a sum of Rs. 30,000/- but taking advantage of illiteracy of the applicant, the drawee altered the amount by adding 2,00,000/- (Two Lakhs) in words as well as a figure of '2' in digits on the instrument. In this regard, he has drawn the attention of the Court to the response sent by him to the notice of demand sent by the complainant after dishonour of the cheque. Learned counsel submits that the complainant is taking advantage of his own wrong, therefore, the impugned complaint as well as the proceeding arising out of it be quashed.

After hearing the learned counsel for the applicant and considering his submissions, this Court finds that the grounds raised by the accused for quashing of the criminal proceedings relate to his defence and in the absence of evidence, his plea cannot be accepted, while exercising inherent powers under Section 482 Cr.P.C. The trial is still pending wherein the evidence of both the parties is yet to be produced.

Thus, without meaning any expression of opinion on the merit of this case, the application under Section 482 Cr.P.C. is dismissed.

Order Date :- 13.12.2023

Brijesh