

Court No. - 11

Case :- APPLICATION U/S 482 No. - 6050 of 2023

Applicant :- Anita Agrawal And 2 Others

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko. And Another

Counsel for Applicant :- Dharendra Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh,J.

1. Heard learned counsel appearing for the accused-petitioners and learned Additional Government Advocate appearing for the State.

2. Present petition under Section 482 Cr.P.C. has been filed seeking quashing of the summoning order dated 06.04.2017 passed by Special Additional Judge, Negotiable Instruments Act, Room No.10, Lucknow in Complaint Case No.0002522 of 2016, under Section 138 Negotiable Instruments Act, 1881 and impugned Revisional order dated 29.06.2019 passed in Criminal Revision No.243 of 2019 by the Additional District & Sessions Judge, Court No.14, Lucknow as well as entire proceedings of Complaint Case No.002522 of 2016.

3. Learned counsel appearing for the petitioner submits that except for Rs.62,000/- rest of the amount has been paid to the complainant. Remaining Rs.62,000/- would also be paid before the trial court on the next date fixed before the learned trial court i.e. 03.07.2023. It appears that the petitioners are Directors of Suchitra Infra Private Limited which issued the cheque in question in favour of the complainant and that cheque got dishonored. Despite summons issued to the petitioners, they did not appear before the trial court and, therefore, non bailable warrant was issued against them on 27.03.2023 by Special Judge/Negotiable Instruments Act, Court No.10, Lucknow in Complaint Case No.2522 of 2016 under Section 138 of the Negotiable Instruments Act.

4. Offence under Section 138 of the Negotiable Instruments Act is a compoundable. If the petitioners are willing to pay entire amount, they may do so, however, they should appear before the trial court on the next date fixed i.e. 03.07.2023 and furnish personal bonds and two sureties. This Court would not like to interfere with the non bailable warrant issued against them, however, they are granted time till the next date fixed before

the trial court i.e. 03.07.2023 to submit personal bond and two sureties to the satisfaction of the trial court on which they shall be admitted on bail and if they pay entire amount with interest to the complainant, learned trial court may close the proceedings.

5. With the aforesaid, present petition stands **disposed of**.

(Dinesh Kumar Singh, J.)

Order Date :- 20.6.2023

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