

Court No. - 12

Case :- APPLICATION U/S 482 No. - 10813 of 2023

Applicant :- Masers Daman Trading Company Thru. Its Proprietor Neeraj Rai @ Neeraj Kumar Rai

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

Counsel for Applicant :- Anil Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Short counter affidavit as well as Vakalatnama filed by Shri Rohit Kumar Singh, Advocate on behalf of respondent no. 2 is taken on record.

2. Heard learned counsel for the applicant, learned A.G.A. for the State, learned counsel for respondent no. 2 and perused the material brought on record.

3. This application has been filed for quashing the Complaint Case No. 1705 of 2019, (Sandip Kumar Chandel Vs. M/s. Daman Trading), under Sections 138 of N.I. Act, P.S. Gomti Nagar, District Lucknow.

4. It is informed by the learned counsel for the parties that both the parties are present before this Court and the controversy has already been resolved. It is also informed that the applicant is ready to pay the amount of Rs.3,00,000/- by way of demand draft No. 509198 of Union Bank of India, U.P. Sugar Corporation, Lucknow dated 16.10.2023. Photocopy of the said draft is annexed as Annexure 3 to the application.

The original draft has been given to the respondent no. 2 in the Court.

5. Private respondent no. 2, who is present before this Court, has states that the issue has already been resolved by way of compromise dated 03.11.2023, which is annexed as Annexure CA 1 to the short counter affidavit. He also

categorically states he has no objection, in case, the impugned proceedings are quashed.

6. Considering the arguments advanced by the learned counsel for the parties and going through the contents of the application, short counter affidavit and other relevant documents and the consent given by respondent no. 2, it is evident that the amount in question is already given to respondent no. 2 by way of aforesaid draft and he has no objection, in case, the proceedings is quashed.

7. In view of above facts and circumstances, the impugned proceedings are hereby quashed. The application stands allowed.

8. Office is directed to communicate this order to the court below, forthwith.

Order Date :- 3.11.2023

VKS