

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11101 of 2023

Applicant :- Arunakar Pandey

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

Counsel for Applicant :- Rama Niwas Pathak

Counsel for Opposite Party :- G.A.,Kaushal Tiwari

Hon'ble Rajeev Singh,J.

1. Vakalatnama filed by Shri Kaushal Tiwari, Advocate filed on behalf of respondent no. 2 is taken on record.

Supplementary affidavit filed by learned counsel for the applicant is also taken on record.

2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material brought on record.

3. This application has been filed for quashing the summoning order dated 20.07.2023 as well as non-bailable warrant dated 01.09.2023 passed in Complaint Case No. 390 of 2020 under Section 138 of N.I. Act, P.S. Kotwali Nagar, District Faizabad.

4. Learned counsel for the applicant submits that the issue has already been resolved in between the parties and the total amount of Rs. 3 lac is being returned to respondent no. 2 by way of demand draft.

5. The 1st Demand Draft No. 006450 amounting to Rs.2,50,000/- and 2nd Demand Draft No. 006451 amounting to Rs.50,000/- issued by Central Bank of India dated 08.11.2023 have been produced by the learned counsel for the applicant before this Court.

6. Both the drafts, in original, have been handed over to the respondent no. 2, who is present before this Court. The respondent no. 2 also undertakes that within a period of one month from today, he will withdraw all the six cases as

mentioned in para 2 of the compromise annexed as Annexure SA 1 to supplementary affidavit. The respondent no. 2 categorically states that he has no objection, in case, the impugned proceedings are quashed.

7. Considering the submission of the learned counsel for the applicant, consent given by respondent no. 2 as well as going through the entire record including the supplementary affidavit, it is evident that the impugned proceeding is related to dishonour of the cheques. It is also evident that the issue has already been resolved in between the parties.

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

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

Order Date :- 9.11.2023

VKS