

Court No. - 12

Case :- APPLICATION U/S 482 No. - 12314 of 2023

Applicant :- Desh Deepak Azad

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

Counsel for Applicant :- Manoj Kumar Srivastava, Mrinal Rai, Neha Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicant as well as learned A.G.A. for the State and perused the record.
2. The present application has been filed for quashing the summoning the order dated 22/03/2021 & issuance of bailable warrant order dated 17/04/2023 as well as the entire proceeding initiated under the Criminal Complaint No. 9393 of 2019 under Section - 138 of the Negotiable Instruments Act pending before the Presiding Officer Additional Court No. 01, Lucknow, titled as **(Sanjay Vishwakarm-Vs-Desh Deepak Azad)**.
3. Learned counsel for the applicant submits that incorrect address of applicant is mentioned in the complaint which is pending before learned trial court as private respondent does not come with clean hand before learned trial court. It is, thus, submitted that indulgence of this Court is required.
4. Learned A.G.A. opposes the prayer of applicant and submits that the above facts can also be raised before learned trial court by way of objection.
5. Considering the submissions of learned counsel for the applicant, learned A.G.A. and going through the contents of application as well as other relevant documents; this court is of the view that objection can be filed before the trial court in terms of above facts.
6. In view of above, the present application U/s 482 Cr.P.C. is **disposed of** with the observation that in case, applicant files any objection before the trial court within three weeks from today then the same shall be considered and decided in accordance with law.
7. Till the disposal of the objection, no coercive steps be taken against applicant.

Order Date :- 18.12.2023/Arpan