

Court No. - 12

Case :- APPLICATION U/S 482 No. - 12427 of 2023

Applicant :- Govind Tiwari

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

Counsel for Applicant :- Satish Kumar Misra

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 impugned order dated 21.02.2023 passed by learned Additional Civil Judge (J.D.), Room No. 26, Pratapgarh in Complaint Case No. 352 of 2022 (**Priyanka Singh vs. Govind Tiwari**) u/s 138 of N.I. Act, Police Station- Patti, District- Pratapgarh and proceedings of Complaint Case No. 352 of 2022.
3. Learned counsel for the applicant submits that the alleged cheque was placed and the information was given to concerned police station as well as the bank. He further submits that the said notice was received by applicant and reply was given by him on 04.12.2021. It is further submitted that complaint in question was filed without disclosing this fact that reply was given by applicant in regard to the notice of the private respondent with the averment that the alleged cheques were missing and the report was made to concerned police station. It is further submitted that summoning order was passed by learned trial court. It is, thus, submitted that indulgence of this Court is required.
4. Learned A.G.A. vehemently opposes the prayer of applicant and submits that all these defense can be raised before learned trial court as the defense of applicant cannot be considered at this stage.
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; the defense of applicant cannot be considered at this stage.
6. In view of above, this Court is of the view that the present application U/s 482 Cr.P.C. is **disposed of** with the observation

that in case, any objection is filed by applicant before the trial court within one month from today then the same shall be considered and decided in accordance with law.

7. Till the disposal of the aforementioned objection, no coercive steps be taken against applicant.

Order Date :- 20.12.2023

Arpan