HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 35667 of 2026

Ajay Tyagi

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Abhishek Gupta, Mehtaab Alam, Satyam Sharma
Counsel for Opposite Party(s)	:	G.A.

Court No. - 81

HON'BLE PRASHANT MISHRA-I, J.

1. Heard Sri Abhishek Gupta, learned counsel for the applicant and learned AGA for the State.

2. The present application has been filed under Section 528 of BNSS with the prayer to quash the order dated 07.04.2026 passed by the Court of Special Judge/Additional Session Judge Ghaziabad in Criminal Revision No. 399 of 2025 (Ajay Tyagi Vs State of U.P. and another) affirming the order dated 22.05.2025 passed by the Additional Civil Judge (Senior Division)/Additional Chief Judicial Magistrate Court No. 5, Ghaziabad, through which the learned Court below has allowed the application filed by the opposite party no. 2 under section 143A of N.I. Act and directed the present applicant to pay the Rs 40000/- (20% amount of the alleged Cheque) to the opposite party no. 2, passed in Complaint Case No. 10491 of 2023 (Smt. Manju Tyagi Vs Ajay Tyagi), Police Station Murad Nagar, District Ghaziabad, and also the effect and operation of the impugned order dated 22.05.2025 Passed by the Additional Civil Judge (Senior Division)/Additional Chief Judicial Magistrate Court No. 5, Ghaziabad, in Complaint Case No. 10491 of 2023 (Smt. Manju Tyagi Vs Ajay Tyagi), Police Station Murad Nagar, District Ghaziabad, pending in the Court of Additional Civil Judge (Senior Division)/Additional Chief Judicial Magistrate Court No. 5, Ghaziabad.

3. Learned counsel for the applicant has challenged the order dated 22.05.2025 passed by the learned trial court, whereby the accused-

applicant has been directed to deposit 20% of the total amount of Rs. 2,00,000/- and hand over the same to the complainant. Learned counsel for the accused-applicant submits that the amount of 20% is exorbitant and that the accused-applicant is facing hardship in arranging the same. The trial is still pending, and it is yet to be adjudicated whether the accused-applicant is guilty or innocent.

4. Learned AGA has no objection.

5. The order dated 22.05.2025 passed by the learned trial court stands modified to the extent that the accused-applicant shall deposit 10% of the cheque amount of Rs. 2,00,000/-, and the learned trial court shall proceed with the matter in accordance with law within one month.

6. With the aforesaid directions, the present application under Section 528 of the BNSS stands **disposed of**.

(Prashant Mishra-I,J.)

October 23, 2026
Nisha

Digitally signed by :-
nisha kumari
High Court of Judicature at Allahabad