

(2023) 01 GUJ CK 0072

In the Gujarat High Court

Case No : R/Criminal Misc.Application No. 1032 Of 2023

Kamlesh Mansukhbhai Turakhia

APPELLANT

Vs

Rameshkumar Arjanbhai Prajapati

RESPONDENT

Date of Decision : 16-01-2023

Acts Referred:

Negotiable Instruments Act, 1881 — Section 138

Citation : (2023) 01 GUJ CK 0072

Hon'ble Judges : Ilesh J. Vora, J

Bench : Single Bench

Advocate : Brijesh K Ramanuj, Divyangna Jhala

Judgement

Ilesh J. Vora, J

1. Heard learned advocate for the applicant.
2. This application is filed for quashment of complaint being Criminal Case No.104898 of 2022 filed under Section 138 of the Negotiable Instruments Act, 1881. This private complaint arises out of family dispute.
3. Learned advocate for the applicant, on instructions, states that before compliance of the family arrangement, the cheque which was given as a security was encashed without informing present applicant. He would further submit that in reply of the notice, same stand having been taken by present applicant. He would further submit that the applicant is willing to deposit an amount of Rs.3 lakhs before the Trial Court.
4. Considering the peculiar facts and circumstances of present case, let Rule for final disposal be issued, returnable on 15.06.2023, subject to deposition of Rs.3 lakhs before the Trial Court concerned by the applicant, within a period of four weeks from the date of receipt of this order. Learned APP waives service of rule for the respondent – State. Meanwhile, interim relief in terms of Paragraph-8(c) is granted.