

(2006) 05 AHC CK 0217

In the Allahabad High Court

Case No : Criminal Miscellaneous Application No. 7901 of 2004

Ram Prasad Rasik

APPELLANT

Vs

State of U.P. and Viraj Maheshwari

RESPONDENT

Date of Decision : 12-05-2006

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Negotiable Instruments Act, 1881 (NI) — Section 138

Citation : (2006) 9 ADJ 590 : (2007) 2 BC 356

Hon'ble Judges : K.N. Sinha, J

Bench : Single Bench

Advocate : V.M. Zaidi, for the Appellant; Amit Daga and A.G.A., for the Respondent

Final Decision : Dismissed

Judgement

K.N. Sinha, J.—The present application has been filed u/s 482 Cr.P.C. for quashing of the complaint No. 744/9 of 2002 Viraj Maheshwari v. Ram Prasad Rasik u/s 138 Negotiable Instruments Act pending in the court of Judicial Magistrate, II, Muzaffarnagar, The ground is that the opposite party No. 2 was an employee with the applicant and he misappropriated the money for which First Information Report was lodged and charge sheet was submitted. So far as the present case is concerned the opposite party No. 2 had stolen the cheque from the pub and sent it no bank for encashment which were refused. The counter affidavit was also filed denying the said fact. However, at one point of time the parties reached to an accord out of court and settled their dispute. Consequently, a joint application was moved by applicant Ram Prasad Rasik and opposite party No. 2 Viraj Maheshwari stating that the matter has been settled outside the court in order to maintain harmony and good relation between the parties. Consequently, it is necessary that all proceedings of Complaint Case No. 744/9 of 2002 Viraj Maheshwari v. Ram Prasad Rasik u/s 138 Negotiable Instruments Act pending in the court of Judicial Magistrate, II, Muzaffarnagar, be quashed.

2. The applicant Ram Prasad Rasik and opposite party No. 2 Viraj Maheshwari filed separate affidavits in support of the application. In consequence thereof, the petition u/s 482 Cr.P.C. is allowed and Complaint Case No. 744/9 of 2002 Viraj Maheshwari v. Ram Prasad Rasik u/s 138 Negotiable Instruments Act pending in the court of Judicial Magistrate, II, Muzaffarnagar, is hereby quashed.