



**HIGH COURT OF JUDICATURE AT ALLAHABAD
MATTERS UNDER ARTICLE 227 No. - 45 of 2026**

Madhuri Devi

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Devendra Deo Gupta
Counsel for Respondent(s)	:	G.A.

Court No. - 53

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Heard Sri Devendra Deo Gupta, learned counsel for the petitioner(s) and Sri Bade Lal Bind, learned counsel for the State and perused the record.

3. Learned counsel for the petitioner submits that the proceedings initiated against the petitioner are totally malafide inasmuch as there is no reference whatsoever that after dishonour of the alleged cheque any notice has been given by the complainant to the petitioner/accused. It is submitted that even in the statement of the petitioner under Section 200 Cr.P.C. dated 01.07.2019 which is on affidavit there is no averment that subsequent to dishonour of the cheque a notice regarding the same was sent to the accused/petitioner and then on non payment thereafter the present complaint has been filed. It is submitted that thus the present proceedings suffer from inherent irregularity and illegality.

4. Matter requires consideration.

5. Issue notice to the opposite party no.2 through speed post returnable within six weeks. Steps be taken within a week.

6. Learned counsel for the opposite party no.2 and learned counsel for the State may file counter affidavit within the aforesaid period. Rejoinder affidavit, if any, be filed within two weeks thereafter.

7. Let the matter be listed on 24.02.2026.

8. Till the next date of listing, further proceedings of Complaint Case No. 1552 of 2019 (Brijesh Kumar Maurya Vs. Madhuri Devi), under Section 138 N.I. Act, Police Station Chetganj, District Varanasi shall remain stayed against the petitioner Madhuri Devi.

January 19, 2026
M. ARIF/e-file

(Samit Gopal,J.)