

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 15293 of 2024

Petitioner :- Ajay Agarwal And Another

Respondent :- State Of Up And 2 Others

Counsel for Petitioner :- Ravitendra Pratap Singh Chandel, Sushil Shukla

Counsel for Respondent :- Ankur Sharma, G.A., Nidhi A. Sharma

Hon'ble Arvind Singh Sangwan, J.

Hon'ble Mohd. Azhar Husain Idrisi, J.

1. Learned counsel for the petitioners, *inter alia*, contends the informant has issued a cheque from the account of M/s Narendra Dev Railways with Rs.3,55,83,125/- dated 30.3.2024 which on presentation with the Punjab National Bank was dishonored due to insufficient funds.
2. The counsel for the petitioner submits that when a complaint under Section 138 of Negotiable Instrument Act, 1881 and was filed, the present F.I.R. has been registered with the allegation that the cheque has been misused and it was never intended to make the payment.
3. Learned Senior Counsel appearing for the informant submits that as per the petitioners itself, the amount of Rs.1,15,00,112/- was transferred by way of R.T.G.S. in the account of M/s Narendra Dev Railways of the informant and as per the allegation, this cheque was issued for return of amount, however, the aforesaid amount was transferred in the year 2014 and the accounts were settled in the year 2015 under the signatures of the petitioner No.1 for Shri Krishna Enterprises.
4. Since, there is a serious dispute about the date or time or year when this cheque was issued by the informant to the petitioner, it will be appropriate for the informant to first file counter affidavit in the matter.
5. List this matter again on **05.09.2024, as fresh.**

Order Date :- 31.8.2024

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