



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 39681 of 2025

Pooja Singh

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Amrita Singh, Manoj Kumar Maurya
Counsel for Opposite Party(s) : Rahul Chaudhary, Rohit Chawdhary,
G.A.

Court No. - 73

HON'BLE DEEPAK VERMA, J.

1. Heard learned counsel for the applicant; counsel for the opposite party no.2; learned A.G.A. for the State and perused the record.
2. The present 528 B.N.S.S. application has been filed to quash the order dated 17.04.2025, passed by the court of learned Additional Chief Judicial Magistrate, Court No.05, Agra, as well as entire proceedings of Complaint Case No. 19517 of 2024, (Mahindra & Mahindra Finance Services Ltd. Vs. Pooja Singh), under Sections 138 Negotiable Instruments Act, 1881, Police Station Hari Parvat, District Agra, pending before court of learned Additional Civil Judge (J.D.), Court No.06, Agra.
3. It is alleged in the complaint that applicant purchased Mahindra Vehicle after getting financial assistance from complainant/opposite party. Thereafter the opposite party no. 2/financial company took security cheque from the applicant. The applicant could not deposit the amount in time thereafter, the opposite party no. 2 used security cheque for recovery of Rs.10,29,000/-. Counsel for the applicant submits that applicant's vehicle was seized and sold by the opposite party no. 2 and recovered the amount. These facts have not been stated in the complaint and present complaint is defective and cheque of excessive amount has been issued by the company/opposite party no. 2.
4. Opposite parties may file their counter affidavits within four weeks. Rejoinder affidavit may be filed within a week thereafter.

5. List after expiry of aforesaid period.

6. Till the next date of listing, no coercive action shall be taken against the applicant in Complaint Case No.19517 of 2024, (Mahindra & Mahindra Finance Services Ltd. Vs. Pooja Singh), under Section 138 Negotiable Instruments Act, 1881, Police Station Hari Parvat, District Agra.

(Deepak Verma,J.)

March 16, 2026

Meenu Singh