



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 40262 of 2025

Ansari Traders And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Brijesh Kumar Chaturvedi, Vishesh
Rajvanshi

Counsel for Opposite Party(s) : G.A.

Court No. - 76

HON'BLE VIKRAM D. CHAUHAN, J.

1. Heard learned counsel for the applicants and learned AGA for the State.
2. This application has been filed by applicants for quashing the impugned order dated 01.05.2025 passed in Case No.36728 of 2025 (M/s Kiran Lal Vs. Ansari Traders), under Section 138 N.I. Act passed by the court of Judicial Magistrate-IV, District Kanpur Nagar.
3. It is submitted by learned counsel for the applicants that the summoning order has been issued under Section 138 Negotiable of Instruments Act and summoning order has been passed without application of mind and without even recording of the statements of the witnesses. The aforesaid summoning order is in violation of the judgment of the Supreme Court in **Rekha Sharad Ushir Vs. Saptashrunji Mahila Nagari Sahkari Patsansta Ltd.** passed in **Criminal Appeal No.724 of 2025 dated 26.03.2025.**
4. The matter requires consideration.
5. Issue notice to opposite party no.2.
6. The opposite party no.2 may file counter affidavit within three weeks.
7. List in the week commencing 16.02.2026.

8. Till the next date of listing, further proceedings of the aforesaid case shall remain stayed.

(Vikram D. Chauhan,J.)

November 15, 2025

Anurag/-