



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 51710 of 2025

Gopal Dutta Sharma

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Kuldeep Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 77

HON'BLE PRAVEEN KUMAR GIRI, J.

1. Learned counsel for the applicant submits that he has filed the instant application under Section 528 BNSS with the relief which has been mentioned in the prayer clause of the application.

2. The relief which has been mentioned in the application is delineated below:-

"It is, therefore, Most Respectfully prayed that this Hon'ble Court may graciously be pleased to quash the entire further proceeding of the Complaint Case No. 1052 of 2024 (Hari Kishan Vs. Gopal Dutta Sharma) Under Section 138 Negotiable Instrument Act, 1881 Police Station - Sector - 24 Noida, District - Gautam Buddha Nagar. -

It is, further prayed that this Hon'ble Court may graciously be pleased to quash the impugned summoning order dated 16.10.2024 passed by Additional Court No. 2, Gautam Buddha Nagar in Complaint Case No. 1052 of 2024 (Hari Kishan Vs. Gopal Dutta Sharma) Under Section 138 Negotiable Instrument Act, 1881 Police Station - Sector - 24 Noida, District - Gautam Buddha Nagar."

3. Learned counsel for the applicant submits that the applicant has instructed him that the signature made in the cheque book is not of the applicant. He further submits that there is no liability for which the cheque has been issued and on false and fabricated allegations, the application under Section 138 of N.I. Act has been filed.

4. Shri Rajesh Kumar Madhhesiya, learned State Law Officer submits that it is a private dispute between the applicant and opposite party No.2, therefore, the State has no affair with the matter.

5. Issue notice to opposite party No.2 for filing counter affidavit.

6. Four weeks' time is granted to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

7. List this case **as fresh on 06.04.2026.**

(Praveen Kumar Giri,J.)

March 20, 2026

K.Tiwari