

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.967 OF 2018  
(ARISING OUT OF SLP(CRL.) NO.6717 OF 2016)

JITENDER KUMAR GARG & ANR.

APPELLANT(S)

VERSUS

KAILASH JAISWAL & ORS.

RESPONDENT(S)

O R D E R

Leave granted.

We have heard learned counsel appearing for the parties and perused the record.

It is not disputed by the learned counsel appearing for the respondents that the appellants have paid the entire amount under the cheques in question. Hence, we see no reason to continue the criminal proceedings pending against the appellant.

In view of the above, we allow this appeal, set aside the impugned order passed by the High Court and quash the summoning order dated 23.7.2010 as well as the entire proceedings in Complaint Case No.15283 of 2009 under Section 138 of the Negotiable Instruments Act

pending before by the learned Chief Judicial Magistrate,  
Allahabad.

The respondents are at liberty to take appropriate  
proceedings against the appellants for recovery of other  
dues, if any, in accordance with law.

.....J  
[S. A. BOBDE]

.....J  
[L. NAGESWARA RAO]

New Delhi;  
August 06, 2018.

ITEM NO.33

COURT NO.5

SECTION II

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s).6717/2016

(Arising out of impugned final judgment and order dated 27-04-2016 in CRLMA No.30195/2009 passed by the High Court Of Judicature At Allahabad)

JITENDER KUMAR GARG &amp; ANR.

Petitioner(s)

VERSUS

KAILASH JAISWAL &amp; ORS.

Respondent(s)

(With appln.(s) for exemption from filing official translation)

Date : 06-08-2018 This petition was called on for hearing today.  
CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE  
HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Mr. Jayant Sood, Sr. Adv.  
Mr. Mukti Bodh, Adv.  
Mr. Sumit Kumar, AOR  
Mr. Hemant Kumar, Adv.

For Respondent(s) Mr. Ratnakar Dash, Sr. Adv.  
Mr. Ardhendumauli Kumar Prasad, AOR  
  
Mr. Sanjeev Kr. Singh, Adv.  
Mr. Siddhartha Chowdhury, AOR  
Mr. Shighra Kumar, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending interlocutory applications, if any, stand disposed of.

(SANJAY KUMAR-II)  
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)  
ASSISTANT REGISTRAR

(Signed Order is placed on the file)