

Manish Kumar Gupta vs The State Of U.P. Thru. Prin. Secy. Home ... on 1 May, 2025

Author: Alok Mathur

Bench: Alok Mathur

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:25226

Court No. - 12

Case :- APPLICATION U/S 482 No. - 108 of 2025

Applicant :- Manish Kumar Gupta

Opposite Party :- The State Of U.P. Thru. Prin. Secy. Home Civil Sectt. Lko. And Another

Counsel for Applicant :- Rajat Bansal, Anil Kumar Tiwari, Rushida Farheen

Counsel for Opposite Party :- G.A., Akhil Bajpai, Madima Trivedi

Hon'ble Alok Mathur, J.

1. Heard Ms. Rushida Farheen, learned counsel for the applicant as well as Sri Akhil Bajpai, learned counsel on behalf of opposite party no.2.

2. The present application U/S 482 Cr.P.C. (Now U/S 528 of BNSS Act, 2023) has been filed for quashing the impugned summoning order dated 06.07.2023 passed by learned Additional Court No.5, Lucknow in Complaint Case No.38646/2023, in re: Sanjeev Kumar Gupta vs. Manish Gupta, under Section 138 of the Negotiable Instruments Act, Police Station - Aliganj, District - Lucknow.

3. It has been jointly submitted by learned counsel for both the parties that during the mediation proceedings, a settlement has been arrived at between the parties which has been enclosed along with the report of the mediator. The settlement agreement reads as under:-

"This SETTLEMENT AGREEMENT entered into on 04.04.2025, between Manish Kumar Gupta S/O Shri Babu Ram Gupta R/O Munnu Ganj Gola Gokaran Nath, District Khiri, Uttar Pradesh (First Party) and Sanjeev Kumar Gupta S/O Late Prithvi Chandra Gupta R/O B-12, Sec-B, Aliganj, Lucknow U.P. (Second Party).

WHEREAS

1. Disputes and differences had arisen between the Parties hereto and APPLICATION U/s 482 No.108 of 2025 (Manish Kumar Gupta & Others Vs State of U.P. & Another) was filed before Allahabad High Court, sitting at Lucknow.

2. The matter was referred to Mediation/Conciliation vide an order dated 08.01.2025 passed by Hon'ble Mr. Justice Kaurnesh Singh Pawar.

3. The parties agreed that Mr. Mayankar Singh, Advocate and Mr. Mudit Agarwal, Advocate would act as their Mediators/Conciliators.

4. Several meetings were held during the process of Conciliation/Mediation and the parties, with the assistance of the Mediators/ Conciliators, have voluntarily arrived at an amicable solution resolving all their dispute and differences.

5. The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediators/Conciliators and there is no coercion or undue influence on either of the parties of any kind whatsoever in arriving at this settlement agreement.

6. The following settlement has been arrived at between the Parties hereto:-

A. That the First Party has agreed to pay and the Second Party has agreed to receive a sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only) towards one time full and final settlement of all the claims of the Second Party against the First Party with regard to Complaint Case No.38646 of 2023 (Sanjeev Kumar Gupta Vs. Manish Kumar Gupta) U/S 138 of N. I. Act, P.S.-Aliganj, District-Lucknow pending before Additional Court No.5, Lucknow.

B. That the First Party has handed over a Demand Draft No.683220 dated 03.04.2025 amounting to Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only) drawn on Punjab National Bank Branch Gola Gokaran Nath Lakhimpur Kheri to the Second Party toward aforementioned payment of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only).

C. That the Second Party has agreed not to pursue the case bearing Complaint Case No.38646 of 2023 (Sanjeev Kumar Gupta Vs. Manish Kumar Gupta) U/S 138 of N. I. Act, P. S.-Aliganj, District-Lucknow pending before Additional Court No.5, Lucknow. The Second Party has also agreed that he would not be having any objection if the APPLICATION U/s 482 No.108 of 2025 (Manish Kumar Gupta & Others Vs State of U.P. & Another) is decided by the Hon'ble Court in terms of this settlement agreement.

D. That it is also agreed between the parties that they shall not institute any case in future in the form of criminal or civil proceedings against each other in respect of the present dispute under Complaint Case No.38646 of 2023 (Sanjeev Kumar Gupta Vs. Manish Kumar Gupta) U/S 138 of N. I. Act, P. S.-Aliganj, District-Lucknow pending before Additional Court No.5, Lucknow and if any proceeding has already been initiated, both the parties would get it disposed off in terms of this settlement Agreement.

E. That both the parties shall be bound by the terms and conditions of this Settlement in strict sense. In case of any default, the party committing the default shall be liable for playing fraud with the Court, hence for contempt of the Court.

7. By signing this Agreement the Parties hereto state that they have no further claims or demands against each other with respect to the matter involved in APPLICATION U/s 482 No.108 of 2025 (Manish Kumar Gupta & Others Vs State of U.P. & Another) and all disputes and differences in this regard have been amicably settled by the Parties hereto through the process of Conciliation Mediation."

4. The petition is allowed in terms of the settlement agreement arrived at between the parties and the impugned summoning order dated 06.07.2023 passed by learned Additional Court No.5, Lucknow in Complaint Case No.38646/2023, in re: Sanjeev Kumar Gupta vs. Manish Gupta, under Section 138 of the Negotiable Instruments Act, Police Station - Aliganj, District - Lucknow are quashed. The settlement agreement dated 04.04.2025 shall remain part of this order.

[Alok Mathur,J.] Order Date :- 1.5.2025 KR