



2026:AHC:59359

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 11295 of 2026

M/S Aaradhya Foods

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ali Hasan, Istiyaq Ali
Counsel for Opposite Party(s)	:	G.A.

Court No. - 74

HON'BLE DEEPAK VERMA, J.

1. Heard learned counsel for the applicant; learned A.G.A for the State as also perused the record.
2. Instant application has been filed to quash the order dated 10.11.2025 passed by the Sessions Judge, Bareilly in Criminal Revision No. 180 of 2025 (M/S. Aaradhya Foods through Proprietor Rajeev Kumar Gupta and another Versus State of U.P. and others) and order dated 29.01.2025 passed by learned Additional Chief Judicial Magistrate, Court No. 5, Bareilly in Complaint No. 1223 of 2023 (Raj Kumar Agrawal Versus Aaradhya Food and Another), under Section 138 N.I. Act, Police Station-Kotwali, District- Bareilly.
3. Counsel for the applicant submits that by the impugned order dated 29.01.2025, the application of opposite party no. 2 under Section 143A N.I. Act has been allowed with direction that applicant shall deposit 20% of the principal amount within 60 days. It is next submitted that the impugned order has been passed in arbitrary manner without considering the objection of the applicant and allowing 20% as interim to deposit of the principal amount is illegal and arbitrary. Thereafter the applicant challenged the said order by filing Criminal Revision No.180 of 2025 which was rejected on 10.11.2025 affirming the order passed on 29.01.2025. Counsel for the applicant next

submits that learned court without giving the opportunity of filing objection, allowed the application of opposite party no. 2. The applicant could not file objection under Section 143A N.I. Act. The order impugned is liable to be set aside. The summoning order passed by the learned Judicial Magistrate is without application of judicial mind. Counsel for the applicant has placed reliance upon the judgment of Apex Court in **Rakesh Ranjan Srivastava Vs. State of Jharkhand and another** 2024 INSC 205 in which the Hon. Court has framed parameters for filing the application under Section 143A N.I. Act and the same has not been considered while allowing the application of opposite party no.2

4. Learned A.G.A. has vehemently opposed the prayer for quashing the proceedings of the aforesaid case and has submitted that the order impugned does not suffer from any illegality or infirmity.

5. From perusal of the impugned order, it is apparent that applicant was given opportunity but he did not appear before the trial court and now, at this stage, request for filing objection cannot be considered as revisional court has also not considered the prayer of the applicant. Moreover, the learned Magistrate has passed the order after perusing the material evidence on record. The order impugned is just and proper and has been passed in accordance with the provisions provided under Section 143A of N.I. Act. Section 143A provides that if the complainant moves application with regard to interim maintenance, the same shall be decided after considering objection raised by the applicants/accused. The trial court while considering the application under Section 143A of N.I. Act, has found that, prima facie offence is made out against the applicant. It is mandatory provision under the Act that complainant can move application for interim compensation. The order impugned has been passed after considering the application of applicant. Moreover, the provision under Section 143A (4) of N.I. Act provides that if the applicant/accused has been acquitted by the trial court, interim

compensation amount given to complainant shall be recovered. Proceeding under Section 138 N.I.Act is pending before the trial court for the examination of witnesses and evidences. It is court's discretion to provide relief to complainant. The complainant has, prima facie, made out case to allow the application under Section 143A of N.I. Act. The orders passed by the trial court as well as revisional court do not require any interference.

6. The present application is, accordingly, **dismissed**.

(Deepak Verma,J.)

March 23, 2026
Meenu Singh