

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			C482 No. 1636 of 2023 With C482 No. 1637 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Gaurav Singh, Advocate, for the applicant. Mrs. Lata Negi, Brief Holder, for the State of Uttarakhand. These are two C-482 Applications. C-482 Application No. 1636 of 2023, entails consideration of a Complaint Case No. 2500 of 2023, Smt. Shahrana Vs. Haseeb and others, being an offence punishable under Section 406 of the IPC, on which, the present applicant has been summoned by an order dated 2nd June, 2023. In the connected C-482 Application No. 1637 of 2023, the same emanates from a Complaint Case No. 1254 of 2023, Smt. Shahrana Vs. Haseeb and others, which though factually is based upon a similar ground, but here, the challenge has been given to the order dated 11th May, 2023, on the ground of non-compliance of the provisions contained under Sub-section (2) of Section 204 of the Cr.P.C. As far as the provision contained under Section 204 (2) of the Cr.P.C. is concerned, it is a part of Chapter-16, which deals with the commencement of the proceedings before the Magistrate, and if we read the language of provision contained under Section 204 of the Cr.P.C., it is exclusively procedural in nature, falling exclusively within the domain of Magistrate as to how to proceed in accordance with Section 204 of the Cr.P.C. It is hoped and trusted that the Magistrate would ensure, that the proceedings of Complaint Case No. 1254 of 2023, proceed in accordance with Sub-section (2) of Section 204 of the Cr.P.C. Apart from that fact, lastly, it has been argued by the learned counsel for the applicant, that

			the matter being a matrimonial dispute, the same could be attempted to be settled by holding a mediation, and he contends that there is a possibility of settlement to be arrived at between the parties. But looking to the nature of offences and the stage at which it has been put to challenge, this Court is of the view, that the appropriate recourse available to the present applicant would be to approach before the Court of Judicial Magistrate, 1st, Roorkee, District Haridwar, who is ceased with the proceedings, who would, before venturing to conduct a trial, will make an effort for settlement between the parties, in the light of the provisions contained under Section 320 of the Cr.P.C., and in case, if he succeeds in that, the matter would be closed, and if it doesn't, then the applicant's bail application would be considered in the light of the judgment of Satender Kumar Antil Vs. Central Bureau of Investigation and another, as reported in (2022) 10 SCC 51, as all the offences would be falling under 'A' category of offences, as classified in para 3 (e) of the said judgment. Subject to the aforesaid, the C-482 Applications, would stand disposed of. (Sharad Kumar Sharma, J.) Dated 17.08.2023 Shiv
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