

Court No. - 92

Case :- APPLICATION U/S 482 No. - 10467 of 2023

Applicant :- Pawan Wadhwani And 2 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Babu Lal Ram

Counsel for Opposite Party :- G.A., Subhash Chandra Yadav

Hon'ble Anish Kumar Gupta, J.

1. Heard Sri Babu Lal Ram, learned counsel for the applicants, Sri Subhash Chandra Yadav, learned counsel for the Opposite Party No. 2 and Sri Akhilesh Kumar Srivastava, learned AGA for State.

2. The instant application has been filed seeking quashing of summoning order dated 23.09.2022 as well as entire proceedings of Complaint Case No. 367 of 2021, Ranjeet Singh v. Pawan Wadhwani and others, under Sections 420, 406, 504 and 506 IPC, Police Station Narwal District Kanpur Nagar, pending before Additional Civil Judge, (J.D.) Court No.2, Kanpur Nagar.

3. Learned counsel for the applicants submits that vide order dated 12.04.2023, the matter was referred for Mediation at Mediation Centre of this Court and as per mediation report dated 1.11.2023, the parties have settled their disputes amicably and the applicants had agreed to pay Rs. 2,25,000/- to the Opposite Party No.2 and have agreed for quashing of proceedings against the applicants herein.

4. In view of the aforesaid mediation settlement arrived at between the parties, since it was a dispute with regard to some contractual obligations between the parties, which have been settled through mediation on 01.11.2023 at the mediation centre. Therefore, the instant application is **allowed** in terms of the compromise arrived at between the parties, which reads as under :-

***"ALLAHABAD HIGH COURT MEDIATION AND
CONCILIATION CENTRE SETTLEMENT AGREEMENT***

This SETTLEMENT AGREEMENT entered into on 01.11.2023, between Pawan Wawan (Applicant No. 1). Smt. Reshama Wadhwani (Applicant No. 2) through her Power of Attorney Holder-Harish Wadhwani (Applicant No. 3) and Ranjeet Singh (OP. No. 2).

WHEREAS

1) Disputes and differences had arisen between the Parties hereto Application U/S 482 Na. 10467 of 2023 was filed before the Hon'ble High Court.

2) The matter was referred to mediation/conciliation vide order dated 12.04.2023 passed by bench of Hon'ble Rahul Chaturvedi, J.

3) The parties agreed that Ms. Sarita Singh, Advocate would act as their 4 Conciliator Mediator, in the Mediation Case No. 2556/2013.

4) Several joint and separate meetings were held during the process of Conciliation Mediation on 05-07-2023, 26-07-2023, 09-08-2023, 11-10-2023 and 01-11- 2023 and the parties have with the assistance of the Mediators Conciliators voluntarily arrived at an amicable solution resolving the above-mentioned disputes 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.

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

a) That the Applicant No. 3-Harish Wadhwani produced a Power of Attorney Holder of Applicant No. 2-Smt. Reshama Wadhwani, which is annexed to this settlement for kind perusal of this Hon'ble Court.

b) That the parties have entered into an agreement (Sandhi Patra) dated 31.10.2023 and produced the same before the Centre and stated that all the disputes and differences have been resolved between the parties.

c) That parties further states that the aforesaid agreement (Sandhi Patra) dated 31.10.2023 includes all the terms and conditions of the settlement and the same shall be part of the settlement also. The aforesaid agreement (Sandhi Patra) dated 31.10.2023 is annexed to this settlement for kind perusal of this Hon'ble Court.

d) That the parties have settled their dispute on the condition that the applicants shall pay an amount of Rs. 2.25,000/- (Rupees Two Lakh Twenty Five Thousand only) to the O.P. No. 2.

e) That on 09.08.2023, the applicants had produced a demand draft bearing no. 003481 dated 05.08.2023 for Rs.1,00,000/- (Rupees One Lakh only) draw on Axis Bank Ltd. in favour of Ranjeet Singh (O.P. No. 2), which was kept in the file concerned with the consent of the parties and today ie. 01.11.2023 the same has been handed over to the O.P. No. 2 and the OP. No. 2 has acknowledged the receipt of the same.

f) That today Le. 01.11.2023 the applicants has handed over another demand draft bearing no. 003526 dated 07.10.2023 for Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand only) drawn on Axis Bank Ltd. in favour of Ranjeet Singh (O.P. No. 2) and OP. No. 2 has acknowledged the receipt of the same.

g) That in view of the above, if the Hon'ble Court pleases to allow Application US 482 No. 10467 of 2023, the OP. No. 2 shall have no objection in any manner whatsoever.

h) That it has also been agreed between the parties that all civil and criminal cases filed by them against each other regarding present dispute shall be withdrawn by the parties concerned by taking appropriate steps before the Court/authority concerned.

i) That the parties will not file any fresh case against each other in respect of this dispute. They have no claim against each other in future also.

j) That it has been agreed between the parties that they shall not violate the terms and conditions of this settlement otherwise the aggrieved party will be free to take legal recourse.

7) By signing this Agreement the Parties hereto state that the Application U/S 482 No. 10467 of 2023 and all disputes and differences in this regard have been amicably settled by the Parties hereto through the process of Conciliation/Mediation.

DATE: 01.11.2023"

5. In view of the aforesaid, the entire proceedings of Complaint Case No. 367 of 2021, Ranjeet Singh v. Pawan Wadhwani and others, under Sections 420, 406, 504 and 506 IPC, Police Station Narwal District Kanpur Nagar, pending before Additional Civil Judge, (J.D.) Court No.2, Kanpur Nagar, are hereby quashed.

Order Date :- 5.12.2023
Akram