

Court No. - 90

Case :- APPLICATION U/S 482 No. - 32799 of 2023

Applicant :- Neel Kamal Vishwakarma

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

Counsel for Applicant :- Majahar Ali

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak,J.

1. Heard learned counsel for applicant and learned AGA for the State.
2. The present applicant has invoked the inherent jurisdiction of this Court under Section 482 CrPC for quashing the charge sheet dated 24.09.2022 as well as entire criminal proceeding of Case No.18925 of 2022 (State Vs. Subham Kumar Soni @ Subham Seth & Another) arising out of Case Crime No.10 of 2022, under Section 406, 420, Police Station Gopiganj, District Bhadohi and also to quash the cognizance order dated 21.12.2022 passed by Chief Judicial Magistrate, Bhadohi, Gyanpur.
3. Opposite party No.2 has lodged an FIR, being Case Crime No.0010 of 2022 dated 6.1.2022, accusing the present applicant along with two other co-accused of cheating and criminal breach of trust with an allegation that present applicant along with two others persons are running a financial scheme wherein several co-villagers have invested money expecting return of interest @ of 10% as promised by the accused persons. When investors have pressurized the accused to return the interest and the principal amount, they promise to pay Rs.3,50,000/- to the investors. However, they failed to fulfill their promise, therefore, FIR has been lodged.
4. After due deliberation at length, without addressing the matter on the merits of the case as mentioned in the instant application, learned counsel for applicant urged that during investigation present applicant namely, Neel Kamal Vishwakarma and Smt. Saroj Devi (first informant) have arrived at compromise, accordingly, present applicant has paid Rs.1,18,000/- to the first informant who has promised not to proceed with the criminal proceeding against the present applicant. In support of his submission learned counsel for applicant has placed the portion of

case diary (annexed as page No.36 and 37 to the instant paper book). It is further submitted that matter may be referred before the Mediation and Conciliation Centre to explore the possibility of final settlement inasmuch as present applicant and other accused are ready to pay the entire principal amount as claimed by the first informant.

5. Having considered the submissions as advanced by learned counsel for applicant, and in the better interest of the parties, no fruitful purpose would be served to keep the instant application pending before this Court, therefore, this Court deems it appropriate to decide the present application finally without entering into merits of the case as mentioned in the present application, granting liberty to the present applicant to move an appropriate application within period of two weeks from today before the court below intending to refer the instant matter before the District, Mediation Centre to explore the possibility of the settlement/agreement between the parties qua grievance of the first informant as mentioned in the FIR. Mediation Centre, in turn, shall make endeavour to submit final outcome of the mediation process within 45 days to the court concerned from the date of receiving the reference made by court below.

6. For a period of 60 days from today or till the final outcome of the mediation process, whichever is earlier, no coercive action shall be taken against the present applicant in Case Crime No.10 of 2022, under Section 406, 420, Police Station Gopiganj, District Bhadohi and the cognizance order dated 21.12.2022. However, it is made clear that final outcome of the mediation proceeding shall be considered by the court below and he shall take further steps accordingly. In case, the mediation could not succeed, learned trial court is at liberty to proceed with the matter as per law. However, if mediation process successful present applicant will be at liberty to approach before this Court again invoking inherent jurisdiction of this Court to decide the criminal proceeding in question on the basis of the said settlement agreement took place between the parties before the Mediation Centre.

7. With the aforesaid direction, present application is **disposed of**.

Order Date :- 24.11.2023

Md Faisal