

Court No. - 89

Case :- APPLICATION U/S 482 No. - 21681 of 2018

Applicant :- Anand Kumar Gond And 4 Other

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

Counsel for Applicant :- Gopal Dwivedi, Achyut Jee, Chakrasudan Dubey, Dhiraj Singh, Karuna Kant Updhyay, Neelkant Upadhyay

Counsel for Opposite Party :- G.A., Janardan Shukla

Hon'ble Deepak Verma, J.

1. Heard learned counsel for the applicants, Sri Janardan Shukla, learned counsel for the opposite party no. 2 and learned AGA for the State.

2. The present 482 Cr.P.C. application has been filed to quash the impugned charge sheet dated 25.12.2017, Cognizance order dated 29.05.2018 as well as entire proceedings of Case No. 885 of 2018 (State vs. Anand Kumar Gond), arising out of Case Crime No. 0184 of 2017, under Sections 354, 498A, 323, 504, 406 IPC & Section 3/4 of Dowry Prohibition Act, Police Station- Mayil, District- Deoria, pending in the court of Judicial Magistrate XI, District- Deoria.

3. This Court vide order dated 21.06.2018 referred the matter to Mediation Centre with the direction that Mediation Centre shall conclude mediation and conciliation proceedings expeditiously preferably within a period of three months after giving notices to both the parties. As per the Mediation Centre report dated 13.12.2018, mediation completed but the parties have not reached at any agreement.

4. Counsel for the applicants has argued the matter at length and submitted that no offence under alleged sections is made out against the applicants. He next argued that allegations have been levelled against applicant no. 1 and his family members, whereas, on perusal of first information report there is no evidence to prosecute them in the present case.

5. Per contra, learned AGA as well as counsel for the opposite party no. 2 have opposed the submissions raised by the counsel for the applicants.

6. Considered the submissions raised by counsel for the parties and perused the entire record.

7. From perusal of record, it is apparent that applicants were directed by this Court to mediate and conciliate the matter with the opposite party no. 2 but the mediation did not succeed between the parties. From perusal of record, it further appears that instant application is not supported by any cogent evidence collected during investigation. On perusal of first information report and charge-sheet, prima facie, offence is made out against the applicants.

8. In view of the above, in the light of judgment of the Apex Court in the matters of **R.P. Kapur Vs. State of Punjab, A.I.R. 1960 S.C. 866, State of Haryana Vs. Bhajan Lal, 1992 SCC (Cr.) 426, State of Bihar Vs. P.P.Sharma, 1992 SCC (Cr.) 192 and lastly Zandu Pharmaceutical Works Ltd. Vs. Mohd. Saraful Haq and another (Para-10) 2005 SCC (Cr.) 283**, no ground for quashing the proceedings of the aforesaid case, is made out which may call for any interference by this Court in exercise of its inherent power under Section 482 Cr.P.C. as the same do not suffer from any illegality or infirmity.

9. The present application under Section 482 Cr.P.C. lacks merit and is, accordingly, **dismissed**.

10. However, if the applicants move discharge application before the court below, the court below shall consider the same and decide the application expeditiously, in accordance with law.

Order Date :- 5.12.2023

Aditya