

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 12262 of 2022

Petitioner :- Amit And 7 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Rakesh Kumar Tiwari

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Supplementary affidavit filed on behalf of the petitioners is taken on record.
2. Heard Shri R.K. Tiwari, learned counsel for the petitioners, Shri Vivek Kumar, holding brief of Shri Ashif Ali whose vakalatnama filed today is taken on record, Shri G.P. Singh, learned A.G.A for the State-respondents, and perused the record.
3. The relief sought in this petition is for quashing of the impugned First Information Report dated 28.7.2022, registered as Case Crime No.154 of 2022, under Sections 323, 376, 498-A, 504, 506 IPC and 3/4 of D.P. Act, Police Station- Lodha, District Aligarh. Further prayer has been made not to arrest the petitioners in the aforesaid case.
4. Vide order dated 15.9.2022, matter was referred to Mediation Centre and the Mediation Report dated 12.1.2023 states that the parties are not willing for the mediation as the respondent has failed to appear on all dates. However, today along with supplementary affidavit, a copy of compromise has been filed that the matter has been compromised between the parties.
5. Learned counsel for the respondent admits about the same.
6. Accordingly, the instant petition is disposed off with the direction to the concerned Investigating Officer to consider the affidavit of the informant to the effect that no offence has been committed, and the parties have decided to live peacefully as husband and wife. The I.O. shall consider the same objectively, as in view of the stand taken by the informant, the chances of conviction appears to be weak. The investigation may be

concluded within three months from today. Till then, no coercive action shall be taken against the petitioners in the aforesaid case crime.

7. As the respondent has failed to appear before the Mediation Centre, it is therefore, provided that the Mediation Centre shall refund the amount of Rs.20,000/- to the petitioners as per procedure after retaining Rs.5000/- towards mediation fee.

Order Date :- 2.11.2023

Anil K. Sharma