

Court No. - 92

Case :- APPLICATION U/S 482 No. - 30200 of 2023

Applicant :- Rohit @ Himanshu Birathare

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

Counsel for Applicant :- Ashwini Kumar Ojha

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Sumit Mishra, advocate holding brief of Sri Ashwini Kumar Ojha, learned counsel for the applicant and Sri Uma Dutt Shukla, learned A.G.A. for the State.

2. The instant application has been filed seeking quashing of the charge-sheet dated 28-11-2018 and cognizance order dated 20-04-2019 as well as order dated 22-01-2020 and the entire proceedings of Case No. 941 of 2019 (State Vs. Rohit Biratha) arising out of case crime no. 153 of 2018, under Section 406 IPC, P.S. Baruasagar, district Jhansi, pending in the court of Additional Civil Judge (Junior Division), Court No.3, Jhansi.

3. Learned counsel for the applicant submits that he has worked as Plumber in the house of the opposite party no.2 for which the opposite party no.2 did not make the payment of the work done by the applicant herein and when he demanded the money for the work done, the instant case has been lodged by the opposite party no.2 on false and fabricated facts, therefore, the learned counsel for the applicant has prayed for quashing of the entire proceedings arising out of the said case.

4. Looking at the nature of controversy involved in the instant case and since there is a dispute of only Rs. 16,000/- alleged to have been advanced by the opposite party no.2 to the applicant herein, without expressing any opinion on the merits of the case, the matter is directed to be referred to the mediation center at District Court, Jhansi, which shall conclude the mediation proceedings after giving a notice to both the parties within a period of three months from the date of production of a certified copy of the order.

5. Till the period of three months, no coercive steps shall be taken against the applicant in pursuance of the cognizance order dated 20-04-2019 as well as order dated 22-01-2020 passed in Case No. 941 of 2019 (State Vs. Rohit Biratha) arising out of case crime no. 153 of 2018, under Section 406 IPC, P.S. Baruasagar, district

Jhansi, pending in the court of Additional Civil Judge (Junior Division), Court No.3, Jhansi.

6. With the aforesaid observations, the instant application is disposed of.

Order Date :- 12.10.2023

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