

Court No. - 89

Case :- APPLICATION U/S 482 No. - 41274 of 2023

Applicant :- Manik Chandra And 2 Others

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

Counsel for Applicant :- Ramesh Chand Yadav, Ram Milan

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma, J.

1. Heard learned counsel for the applicants; Sri Rakesh Kumar Verma, learned counsel for opposite party no. 2 and learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to quash the entire proceedings of charge sheet dated 30.06.2019; cognizance order dated 08.08.2019, in Case No.423 of 2019 arising out of Case Crime No.86 of 2019, under Sections 498-A, 323, 504, 506 I.P.C., and Section 3/4 D.P. Act, P.S. Mahila Thana, District Agra, pending in the court of Additional Chief Judicial Magistrate Vth, Agra.

3. Learned counsel for the applicants submits that opposite party no. 2, wife of applicant no. 3, lodged FIR against the applicants. The applicants challenged the F.I.R. and cognizance order by filing Application under Section 482 No.6141 of 2020 before this Court. The Co-ordinate Bench of this Court vide order dated 16.07.2022 referred the matter to mediation centre. The said order is quoted below:

"Heard learned counsel for the applicants and learned A.G.A. for the State.

This application under Section 482 Cr.P.C. has been filed to quash the entire proceedings including chargesheet dated 30.06.2019 as well as cognizance order dated 08.08.2019 in Case No. 423 of 2019 arising out of Case Crime No. 86 of 2019 under sections 498-A, 323, 504, 506 IPC and 3/4 D.P. Act, Police Station-Mahila Thana, District-Agra.

From perusal of the record, it appears that applicant no.3 is the husband of opposite party no.2 and applicant nos. 1 and 2 are father-in-law and mother-in-law of opposite party no.2 respectively.

Learned counsel for the applicants submits that the dispute between the parties is a matrimonial dispute and, in case, the matter is referred for mediation, the parties may get an opportunity to amicably settle their dispute. He, therefore, submits that in view of the peculiar facts and circumstances of the present case, it will be in the interest of all the parties that the matter be referred for mediation to the Mediation Centre, High Court, Allahabad.

Learned A.G.A. has no objection to this proposition.

In view of the above, the matter is referred to Mediation & Conciliation Centre of this Court. The applicants are directed to deposit a sum of Rs. 15,000/- by way of Demand Draft / pay order in the name of Registrar General A/c, Allahabad High

Court Mediation & Conciliation Centre within a period of two weeks from today. After deposit of the aforesaid amount, office shall immediately send a notice to the opposite party no.2 calling upon her to file counter affidavit.

Out of Rs. 15,000/-, Rs. 13,000/- shall be payable to opposite party no.2 only on her appearance on two dates as fixed by the Mediation and Conciliation Centre and the remaining amount of Rs. 2,000/- shall be payable to the Mediation and Conciliation Centre.

It is also directed that the aforesaid mediation proceedings be completed within a period of six months from the date of production of a certified copy of this order.

It is, however, provided that after completion of the mediation proceedings, irrespective of the outcome, the applicants shall be at liberty to file a fresh application under Section 482 Cr.P.C. alongwith mediation report for quashing of the proceedings pending against them.

For a period of six months from today or till completion of the mediation proceedings, whichever is earlier, no coercive action shall be taken against the applicants in the aforesaid case.

It is made clear if the amount, as directed above, is not deposited by the applicants within the aforesaid period, the stay order shall automatically come to an end and the mediation centre shall immediately inform the concerned office, who, in turn, shall send a notice to the concerned court below to proceed further, in accordance with law.

4. Thereafter the mediation and conciliation centre submitted a report on 25.02.2023 that parties have resolved all the disputes and differences and amicably settled the dispute and entered into agreement before the mediation centre which is narrated in para-5 of the Mediation and Conciliation Centre settlement agreement.

5. Learned counsel for the applicants has submitted that the applicants and opposite party no.2 have settled their dispute through Mediation Centre and as such opposite party no.2 does not wish to press the aforesaid case against the applicants. Opposite party no.2 is ready to withdraw the prosecution of the applicants and in view of the settlement agreement, no fruitful purpose would be served if the prosecution is allowed to go on.

6. In view of the facts and circumstances of the case and the report of Mediation and Conciliation Centre, the proceedings of in Case No.423 of 2019 arising out of Case Crime No.86 of 2019, under Sections 498-A, 323, 504, 506 I.P.C., and Section 3/4 D.P. Act, P.S. Mahila Thana, District Agra are hereby quashed.

7. This application under Section 482 CrPC is accordingly **allowed.**

Order Date :- 8.11.2023

Meenu Singh