

Court No. - 86

Case :- APPLICATION U/S 482 No. - 46592 of 2019

Applicant :- Ankit Pandey

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

Counsel for Applicant :- Satish Chandra Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta,J.

1.Heard learned counsel for the applicant, learned AGA for the State and perused the record.

2. The present application u/s 482 Cr.P.C. has been filed with the prayer to quash impugned order dated 21.10.2019 as well as entire proceedings of Complaint Case No. 616 of 2016 (Smt. Nancy Vs. Ankit Pandey), under Section 23 of the Domestic Violence Act, Police Station- Baradari, District- Bareilly, pending in the court of Addl. Chief Judicial Magistrate, Court No. 1, Bareilly

3. Learned counsel for the applicants has submitted that on account of matrimonial discord, proceedings under Section 23 of the Domestic Violence Act was instituted against the applicant vide impugned order dated 21.10.2019. The applicant filed the instant application u/s 482 Cr.P.C. challenging the said proceedings and this Court vide order dated 17.12.2019 had directed the parties to appear before the Mediation and Conciliation Centre of this Court to enable the parties to explore the possibility of settling the dispute through mediation and the applicant was directed to deposit a sum of Rs.60,000/- within four weeks at the Mediation Centre.

4. Pursuant to the said order dated 17.12.2019, the applicant deposited the said amount of Rs.60,000/- through Demand Draft No.023577 dated 08.12.2020. Upon deposition of the said amount, notices were issued by the Mediation Centre to both the parties to appear before the Mediation and Conciliation Centre to explore the possibility of settling the dispute through mediation, however, opposite party no.2 did not appear at all despite four dates were fixed by the Mediation Centre for the purpose of mediation. Ultimately, on 30.10.2021, the said mediation proceedings were dropped on the ground that the parties are not willing for the mediation.

5. Learned counsel for the applicants has next submitted that since opposite party no.2 has not at all appeared, therefore, the amount of Rs.50,000/-, which was to be given to opposite party no.2 has not been paid to her and is lying in Registrar General's Bank account.

6. In view of the above, Registrar General, Allahabad High Court, Mediation and Conciliation Centre, is directed to return back the amount of Rs.50,000/- to the applicant within 15 days, as per the prescribed procedure.

7. Learned counsel for the applicant has further made a statement at the Bar that he does not want to press this application, as such, it may be dismissed as withdrawn.

8. In view of the above statement and in light of the direction, the application under Section 482 Cr.P.C. is dismissed as withdrawn.

Order Date :- 8.11.2023
Subham