

Court No. - 90

Case :- APPLICATION U/S 482 No. - 41557 of 2023

Applicant :- Prem Narayan Kushwaha

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

Counsel for Applicant :- Awadhesh Prasad

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak,J.

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

2. The present applicant has invoked the inherent power of this Court under Section 482 Cr.P.C. to quash the impugned summoning order dated 13.01.2023 as well as entire proceedings of Complaint Case No.17030 of 2022 (Nazia Makbool Vs. Prem Kushwaha), under Section 138 of N.I. Act, Police Station Sipri Bazar, District Jhansi, pending before the Judicial Magistrate-II, Jhansi.

3. Facts culled out from the record are that the opposite party no.2 has lodged a complaint dated 22.09.2022 against the present applicant with an averments that cheque, bearing No.655556 dated 11.04.2022 amounting Rs. 7 lacs, furnished by the present applicant has been dishonored from the drawee bank with an endorsed of "Account Blocked".

4. After due deliberation at length, without pressing the case on its merits, learned counsel for the applicant submit that there is an ample chance of amicable settlement between the parties through process of mediation, therefore, instant matter may be ordered to be sent before the Mediation and Conciliation Centre so that parties may settle their dispute amicably.

5. In this conspectus, as above, no useful purpose would be served to keep the instant application pending, therefore, this Court deems it appropriate to decide the present application finally without considering the matter on it's merits with the direction that the present applicant, in case, appears and moves an appropriate application within a period of two weeks from today before the court concerned, showing his willingness to settle the dispute through process of mediation, the same shall immediately be sent

before the District Mediation and Conciliation Centre to find out the possible solution of the dispute between the parties. Thereafter, District Mediation Centre is expected to submit its report after completion of mediation process within a period of one month from the date of receiving the direction/order from the court concerned. In case, process is completed successful complaint shall be decided accordingly. However, in case, mediation process fails, learned court concerned shall proceed with the matter to decide the same on its own merits, in accordance with law.

6. In the interest of justice, for a period of six weeks or till the submission of mediation report, whichever is earlier, no coercive measure shall be taken against the present applicant in the aforesaid case.

7. Accordingly, the instant application is **disposed of**.

Order Date :- 12.12.2023

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