

**Court No. - 90**

**Case :- APPLICATION U/S 482 No. - 42006 of 2023**

**Applicant :- Shri Krishna Gupta And Another**

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

**Counsel for Applicant :- Vikram Shah Sisodia**

**Counsel for Opposite Party :- G.A.**

**Hon'ble Dinesh Pathak,J.**

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

2. The present applicants have invoked the inherent power of this Court under Section 482 Cr.P.C. to quash the impugned summoning order dated 16.02.2023 as well as entire proceedings of Complaint Case No.20955 of 2022 (Dushyant Kumar Vs. Tinku and another), under Sections 406, 323, 504 and 506 IPC, Police Station Bilsa, District Badaun, pending in the court of Additional Chief Judicial Magistrate, Court No.2, Badaun.

3. It is submitted that the complainant (opposite party no.2) has moved a malicious complaint against the present applicants with an averments that booking amount Rs. 35,000/-, which has been given by the complainant to book the marriage hall pertaining to solemnization of marriage ceremony of his sister, however, same was canceled because of Covid-19 Pandemic protocol, has not been reimbursed to the complainant. It is further submitted that, in fact, entire booking amount Rs. 35,000/- has been returned to the complainant, however, it appears that under some confusion, complaint has been moved on behalf of the opposite party no.2. It is further submitted that there is an ample chance of amicable settlement between the parties, therefore, instant matter be referred before the Mediation and Conciliation Centre to explore the possibility of the settlement.

4. Having considered the submissions as advanced by learned counsel for the applicants, showing the willingness of the present applicants to settle the dispute amicably through process of mediation, 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 applicants,

in case, appear and move an appropriate application within a period of two weeks from today before the court concerned, showing his willingness to settle the dispute amicably through process of mediation, the same shall be sent before the District Mediation and Conciliation Centre to find out the possible solution of the settlement between the parties with respect to the allegations as made in the complaint.

5. It is expected that the mediation centre shall make an endeavour to complete the settlement process within a period of one month from the date of receiving the direction/order from the court concerned. After receiving the report submitted by the mediation centre, learned court concerned shall pass an appropriate order qua criminal proceedings initiated on the basis of the summoning order dated 16.02.2023.

6. In the interest of justice, for a period of 45 days or till the decision taken by the court competent on the basis of the mediation report, whichever is earlier, no coercive measure shall be taken against the present applicants in Complaint Case No.20955 of 2022, under Sections 406, 323, 504, 506 IPC.

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

**Order Date :- 7.12.2023**

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