

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 8601 of 2023

Applicant :- Manoj Sharma

Opposite Party :- Ashok Kumar Sharma And Another

Counsel for Applicant :- Anuj Kumar Singh

Hon'ble Rohit Ranjan Agarwal,J.

Heard learned counsel for the applicant.

The writ Court on 20.02.2023 in Criminal Misc Writ Petition No.2825 of 2023 had passed the following order:-

"Supplementary affidavit annexing certified copy of the impugned First Information Report filed today is taken on record.

Vakalatnama filed today by Sri Nitin Sharma, Advocate on behalf of first informant is also taken on record.

Heard Sri Mangala Prasad Rai, learned Senior Advocate assisted by Sri Avneesh Tripathi, learned counsel for the petitioners, Sri Nitin Sharma, learned counsel for the first informant and learned AGA for the State.

This writ petition has been filed seeking quashing of the first information report dated 11.02.2023 in Case Crime No.67 of 2023, under Sections 420, 406, 467, 468, 471, 504, 506 I.P.C., at Police Station Vrindavan, District Mathura.

Counsel for the petitioners admits receipt of amount and he states that there are two courses open either the first informant may obtain a sale deed or may accept refund money paid to the petitioner.

It is submitted that the matter is in fact a civil dispute and that it should be referred to the Mediation Centre and there are chances of reconciliation between the parties.

In view of the submissions made and on the petitioners depositing a sum of Rs.30,000/- through bank draft drawn in favour of the RG A/c AHCMCC within a period of 10 days from today, the Mediation Centre shall send notice to the respondent no.3 fixing a date for mediation. It is also observed that attempt shall be made to conclude mediation expeditiously preferably within a period of three months.

List this case before appropriate Bench.

Till then, no coercive action shall be taken against the petitioners.

It is clarified that this order shall not operate, in case, amount required to be deposited by the petitioners through bank draft is not deposited within

the time specified above.

From the amount of Rs.30,000/- deposited, a sum of Rs.5000/- may be accumulated by the Mediation Centre for whatever purpose and remaining amount of Rs.25,000/- shall be handed over to the opposite party no.3 on the conclusion of the mediation proceedings."

From the perusal of the aforesaid order, it transpires that the matter was referred to the Mediation and Conciliation Centre of this Court, wherein an interim settlement agreement was arrived between the parties on 17.05.2023, which is as under:-

"WHEREAS

*1. Disputes and differences had arisen between the Parties hereto **Criminal Misc. Writ Petition No. 2825 of 2023** as filed before the Hon'ble High Court.*

*2. The master was referred to mediation / conciliation vide order dated 20.02 2023 passed by bench of **Hon'ble Anjani Kumar Mishra, J. and Hon'ble Gajendra Kumar, J.***

*3. The parties agreed that Mr. S.P. Shukla and Ms. Suman Tripathi, Advocates would act as their Conciliator/Mediator, in the **Mediation Case No. 1515/2023**.*

4. Several joint and separate meetings were held during the process of Conciliation/Mediation on 12.04.2023, 10.05.2023 and 17.05.2023 and the parties have with the assistance of Mediator/Conciliator voluntarily arrived at an amicable solution resolving the above-mentioned disputes and differences.

5. The Khata No.262 Khasra No. 206 area 431.44 sq. mtr. Village Vrindaban Bangar, Tehsil-Sadar, Distt. Mathura belongs to Ashok Kumar Sharma and others. Ashok Kumar Sharma- owner of the land agreed to sell the aforesaid property @ Rs.1,26,000/- per sq. yards on 22.02.2021 to Respondent No.3- Manoj Sharma, who paid Rs. 51,00,000/- as advance, but due to partition suit over the aforementioned property, the sale deed was not executed giving rise to the instant case.

6. The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement/Agreement in the presence of the Mediators/Conciliators.

7. The following settlement has been arrived at between the Parties hereto:-

a. That Mr. Ashok Sharma and Ms. Geeta Sharma have agreed to execute the sale deed of both portion of land (Khata No.262 Gata No.206 area 431.44 sq. mtr. Village Vrindaban Bangar, Tehsil-Sadar, Distt. Mathura) in favour of Mr. Manoj Sharma- Respondent No.3.

b. That Mr. Manoj Sharma has agreed to ensure payment of balance consideration of land to Mr. Ashok Sharma within a period of five months.

c. That Mr. Ashok Sharma has also agreed to accept Rs.1 Crore in respect of consideration within one year of execution of sale deed.

d. That it is clarified that Ashok Sharma and Geeta Sharma, the tenant on the land in question will be requested to vacate the land in question immediately before execution of sale deed.

e. That it is further clarified that all disputes in respect of land, after the execution of sale deed, will be treated as settled.

f. That it has been agreed between the parties that the cases filed by them against each other will be kept in abeyance during this intervening period.

g. That it has been agreed between the parties that they shall appear again along with copy of the sale deed in question before the Centre on 03.08.2023.

DATE: 17.05.2023"

As the matter is still subjudice before the writ Court, no case for contempt is made out.

Accordingly, the present contempt application is misconceived and the same stands dismissed.

Order Date :- 28.11.2023

SK Goswami