

Court No. - 92

Case :- APPLICATION U/S 482 No. - 44826 of 2023

Applicant :- Sunil Kumar And Another

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

Counsel for Applicant :- Suresh Pratap Singh, Kunwar Abhishek Singh

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta, J.

1. Heard Shri Suresh Pratap Singh, learned counsel for the applicant and Shri Rajeev Kumar Singh, learned A.G.A. for the State.

2. The instant application under section 482 Cr.P.C. has been filed seeking quashing of the proceedings pending before Additional Civil Judge (J.D.) 9, Kanpur Nagar of Case No. 4452 of 2015 (State Vs. Sunil Kumar and others) arising out of Case Crime No. 455 of 2007 under sections 352, 504 I.P.C. Police Station Govind Nagar District Kanpur Nagar.

3. Learned counsel for the applicants submits that earlier also an application under section 482 Cr.P.C. No. 9976 of 2010 (Sunil Kumar and others Vs. State of U.P. and others) was filed by the applicants herein making identical prayer which was initially entertained by this Court by referring the matter to the mediation Centre vide order dated 7.4.2010. However, the applicants failed to deposit the amount, as directed by this Court vide order dated 7.4.2010, therefore, the said application u/s 482 Cr.P.C. was disposed of vide order dated 25.11.2019 granting liberty to the applicants to surrender before the court within 30 days and apply for bail. The order dated 7.4.2010 referring the matter to the mediation centre reads as under:

"1. The applicants, Sunil Kumar, Ram Narayan and Kamla Devi have filed this petition under section 482 of the Code of Criminal Procedure for quashing the proceedings of Criminal Case No. 20372 of 2007 arising out of case crime no. 455 of 2007, under sections 352, 504 IPC pending in the court of the learned Chief Metropolitan Magistrate, Kanpur Nagar.

2. The dispute is between the husband and wife. Considering the circumstances that relationship between husband and wife may not further undergo any bitterness, the matter may be considered for settlement by process of mediation.

3. The counsel for the applicants state that the applicants are ready for

settling the dispute by mediation and are willing to deposit a sum of Rs. 8000/- (Rs. Eight Thousands) towards maintenance and expenses of the wife (Smt. Vidya Devi) for appearing before the Mediation Centre.

4. Notice on behalf of the State of U.P. and State officials has been accepted by the AGA. Issue notice to respondent no.2 (Smt. Vidya Devi) by registered post. List for admission after service upon the private respondent.

5. In the meantime, no coercive process shall be issued or executed against the applicants.

6. The question of referring the case to the Mediation Centre will be considered after service upon the private respondent. It is made clear that in case the private respondent agrees for referring the case to the Mediation Centre then it will be referred to the Mediation Centre and the stay order will be further continued only if the applicants deposit the Bank Draft at least of the aforesaid amount in favour of the wife (Smt. Vidya Devi)."

4. In view thereof, this being the second application making similar prayer i.e. quashing of the entire proceedings of the case arising out of Case Crime No. 455 of 2007 and since the matter is more than 16 years old and the trial is already in progress, this court do not find good reason to entertain this application.

5. The application is accordingly **dismissed**.

Order Date :- 15.12.2023

o.k.