

Court No. - 12

Case :- APPLICATION U/S 482 No. - 4781 of 2022

Applicant :- Shri Rahul Chaudhary

Opposite Party :- State Of U.P. Thru. Prin. Secy. Lko. And Another

Counsel for Applicant :- Sumit Pandey, Amrendra Nath Tripathi

Counsel for Opposite Party :- G.A., Vikas Pandey

Hon'ble Rajeev Singh, J.

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

2. Present application has been moved by the applicant for quashing the charge sheet dated 01.02.2021 filed in Case Crime No.48/2020, summoning order dated 25.03.2021 passed by Civil Judge, Junior Division (F.T.C.), (C.A.W.), Sitapur as well as entire proceeding of Criminal Case No.211/2021

3. On 22.07.2022, following order was passed:

"Heard learned counsel for the applicant and learned A.G.A. for the State.

The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 24.7.2018 and cognizance order dated 1.2.2021 arising out of Case Crime No. 0048 of 2020 under Sections 498A, 323, 506 IPC, Police Station Mahila Thana, District Sitapur as well as cognizance/summoning order dated 25.3.2021 passed by Civil Judge, Junior Division (F.T.C./C.A.W.), Sitapur in Criminal Case No. 211 of 2021 (State Vs. Rahul Chaudhary).

Learned counsel for the applicant submits that the present criminal proceedings are arising out of the matrimonial dispute between the parties and the applicant has intention to settle the same amicably. Learned counsel further urged that this case may be referred to the Mediation Centre of this Court so that they may have a chance to settle their dispute on their own terms through mediation. In order to show their bona fide the applicant is ready to deposit Rs.30,000/- to be handed over to the opposite party no. 2 on her first appearance before Mediation.

The Court is also satisfied on the basis of the record and the submissions made before it that the nature of litigation is such that there is a chance to resolve the matter through process of mediation and an attempt ought to be made to explore that possibility.

Accordingly, the matter is being referred to the Mediation and Conciliation Centre, High Court, Allahabad. The applicant will deposit Rs.30,000/- within two weeks from today at the Mediation Centre. In case the amount is deposited, the Mediation Centre will issue notices to both

the parties. Out of the same, Rs.27,000/- shall be handed over to the opposite party no. 2 on her first appearance. It is further provided that Rs.3,000/- will remain deposited with the Mediation and Conciliation Centre, High Court, Allahabad.

The mediator is allowed two months' time to find out possible solution of the dispute between the parties and send his report to the court regarding the outcome of mediation.

Put up this case on 20.10.2022 in the Additional Cause List before the appropriate Bench along with report of the mediator.

Till the next date of listing, the proceedings of the aforesaid case shall remain stayed against the applicant only.

It is made clear that in case of default in depositing the amount as ordered above or on non-participation of the applicants in the mediation proceedings, the interim stay order shall stand automatically vacated.

This case shall not be treated as tied up or part heard with this Bench."

4. Learned counsel for the applicant submitted that both the parties have settled their dispute by way of a compromise/settlement agreement dated 12.05.2023 with the assistance of the Mediation and Conciliation Centre of this Court, therefore, the impugned proceedings may be quashed.

5. Learned A.G.A. has no objection on the aforesaid prayer of applicant.

6. Considering the submissions of learned counsel for the parties, going through the contents of application, as well as other relevant documents, as the dispute between the parties has been resolved by way of a compromise dated 12.05.2023 and the prosecution in question has become a futile one, therefore, the present application is **allowed** and charge sheet dated 01.02.2021 filed in Case Crime No.48/2020, summoning order dated 25.03.2021 passed by Civil Judge, Junior Division (F.T.C.), (C.A.W.), Sitapur as well as entire proceeding of Criminal Case No.211/2021 are hereby **quashed**.

Order Date :- 18.11.2023

V. Sinha