

Court No. - 12

Case :- APPLICATION U/S 482 No. - 8976 of 2023

Applicant :- Archit Dhuriya And 4 Others

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

Counsel for Applicant :- Rahul Agnihotri

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Case called out. None appears on behalf of the applicants.

Vakalatnama filed by Shri Anurag Singh, Advocate on behalf of respondent no. 2 is taken on record.

2. On 15.09.2023, following order was passed.

"1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. The present application under Section 482 Cr.P.C. is filed with the prayer to quash the entire proceeding of Complaint Case no.3219 of 2022, under Sections 498-A, 323, 504, 506 I.P.C., Police Station Kotwali Nagar, District Sitapur.

3. Learned counsel for the applicants submits that marriage of the applicant no.1 was solemnized with the private respondent but due to some trivial issues, private respondent left the house of the applicant and on the basis of concocted facts, the complaint in question was filed and summoning order was issued. He further submits that the applicant no.2 to 5 are the in-laws of private respondent and there is a possibility of settlement in case matter is sent to the mediation center of this Court, therefore, indulgence of this Court is necessary.

4. Learned A.G.A. opposed the prayer of the applicant but he does not dispute this fact that prosecution in question is a result of matrimonial dispute.

5. Considering the submissions of learned counsel for the parties, going through the contents of the application as well as other relevant documents, it is evident that there is matrimonial dispute in between the parties and impugned proceeding is result of the same, therefore, possibility of settlement cannot be ruled out.

6. Issue notice to the private respondents.

7. List this case on 18.10.2023.

8. On the next date, applicants as well as private respondent shall appear before this Court.

9. Applicant is directed to deposit Rs.10,000/- before the Senior Registrar of this Court within ten days.

10. Till the next date of listing, impugned proceeding shall remain stayed."

2. In pursuance of the aforesaid order, private respondent no. 2 is present and has been duly identified by her counsel.

However, the applicants are not present before this Court in pursuance of the aforesaid order.

3. Shri Anurag Singh, learned counsel appearing for respondent no. 2 informs that he made a call to the learned counsel appearing for the applicants on his Mobile No.- 9839288307, who informed that the applicants are willing to apply for bail and do not want to pursue the present case.

4. It is evident from the record that on the last date, on the request of the learned counsel for the applicants that the matter may be settled before the Mediation Center of this Court, a direction was also issued to the applicants to deposit a sum of Rs.10,000/-, but the record reveals that the aforesaid direction was also not complied with by the applicants.

5. In view of above, the application is dismissed with cost of Rs.10,000/-, which shall be deposited by the applicants within one month from today before the Mediation Center of this Court.

6. In case, the applicants fail to deposit the cost within the specified period, as directed aforesaid, District Magistrate, Lakhimpur Kheri shall recover the same as arrears of land revenue and transmit the same to the Mediation Center of this Court.

Order Date :- 18.10.2023

VKS