

Court No. - 12

Case :- APPLICATION U/S 482 No. - 9352 of 2023

Applicant :- Jan Mohammad And Others

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

Counsel for Applicant :- Mohd.Yasin,Haider Abbas

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Vakalatnama filed by Shri Akhtar Hussain, Advocate on behalf of respondent no. 2 is taken on record.

2. Heard learned counsel for the applicants, learned A.G.A. for the State and learned counsel appearing for respondent no. 2.

3. On 26.09.2023, following order was passed.

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

2. Present application has been filed by the applicants for quashing the charge sheet dated 10.02.2023 in Case Crime No.0053 of 2022 under Sections 498A, 323, 504, 506 of I.P.C., P.S.- Kakori, District- Lucknow as well as summoning order dated 19.05.2023 passed by Additional Chief Judicial Magistrate-VI, Lucknow.

3. Learned counsel for the applicants submitted that the prosecution is a result of some matrimonial dispute between as marriage of applicant no.1 was solemnized with respondent no.2 on 07.01.2015 and due to some trivial matrimonial issues, F.I.R. of case in question was lodged. He further submitted that there might be possibility of settlement of dispute if the matter be referred to Mediation and Conciliation Centre of this Court.

4. Learned A.G.A. does not dispute this fact that the prosecution is a result of some matrimonial dispute and he has no objection on the matter being referred to the Mediation and Conciliation Centre of this Court.

5. Considering the submissions of learned counsel for the parties, going through the contents of application as well as other relevant documents, as it is evident that the prosecution is a result of some matrimonial dispute, therefore matter requires consideration.

6. List this case on 20.11.2023.

7. Issue notice to respondent no.2 returnable at an early date.

8. On the next date, applicant no.1 and respondent no.2 shall appear in person before this Court.

9. Applicant no.1 is directed to deposit Rs.25,000/- (Twenty five

thousand rupees) before the Senior Registrar of this Court within a period of two weeks from today.

10. No coercive steps be taken against the applicants till the next date of listing.

11. In case, the aforesaid amount is not deposited within the stipulated time, the interim protection will not be available to the applicants."

4. In pursuance of the aforesaid order, applicant no. 1 as well as respondent no. 2 are present before this Court and have been duly identified by their respective counsel.

5. It is evident from the record that on 26.09.2023, a direction was issued to the applicants to deposit Rs.25,000/- before the Senior Registrar of this Court, but the same has not been complied with by the applicant.

6. It is submitted by the learned counsel for the applicants that the amount is exorbitant and the applicants were unable to deposit the same.

7. It appears that after obtaining interim protection by this Court, the applicants are flouting the directions issued vide aforesaid order. It is also evident from the record that the charge sheet has been filed after detail investigation and the evidence collected by the Investigating Officer cannot be evaluated in the present proceedings.

8. In view of above facts and circumstances, this Court is of the view that the present application is liable to be dismissed and is hereby dismissed. Interim order is hereby vacated.

9. Office is directed to communicate this order to the court below, forthwith.

10. Trial court is also directed to proceed with the matter in accordance with law.

Order Date :- 20.11.2023

VKS