

Court No. - 12

Case :- APPLICATION U/S 482 No. - 10457 of 2023

Applicant :- Mujeeb Ali And Others

Opposite Party :- State Of U.P. Thru. Its Secy. Home, Govt. Lko. And Another

Counsel for Applicant :- Mehdi Khan

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Vakalatnama filed by Shri Mayank Pandey, Advocate on behalf of private respondent is taken on record.

2. On 27.10.2023, following order was passed:

"1. Heard learned counsel for the petitioner, learned AGA and perused the record.

2. Present petition has been filed with the following prayer:-

"To quash the entire proceeding of Criminal Case no. 13307/ 2021 (CNR No. UPLKO40196982021) (State Versus Mujeeb Ali and others) pending in the Court of Special Chief Judicial Magistrate Custom Lucknow arising out of Crime no. 0332 of 2019, Under Section 498-A, 323, 504, 506 I.P.C. and Section 3/4 of Dowry Prohibition Act Police Station Ghazipur District Lucknow as well as charge sheet no. 01 of 2020, dated 29.1.2020 and cognizance order dated 19.3.2021 issued by Special Chief Judicial Magistrate Custom Lucknow and further be pleased to stay the further proceeding of Criminal Case no. 13307/ 2021 (CNR No. UPLKO40196982021) (State Versus Mujeeb Ali and others) pending in the Court of Special Chief Judicial Magistrate Custom Lucknow arising out of Crime no. 0332 of 2019, Under Section 498-A, 323, 504, 506 I.P.C. and Section 3/4 of Dowry Prohibition Act Police Station Ghazipur District Lucknow as well as charge sheet no. 01 of 2020, dated 29.1.2020 and cognizance order dated 19.3.2021 issued by Special Chief Judicial Magistrate Custom Lucknow"

3. Learned counsel for the petitioner submitted that marriage of the applicant no.1 was solemnized with the private respondent but on some trivial issues, on the basis of incorrect facts FIR of the case in question was lodged and chargesheet was filed by the investigating officer in the most mechanical manner. He also submitted that there is possibility of settlement in case the matter is sent to the mediation center of this Court.

4. Learned AGA opposed the prayer of the applicant but could not dispute the fact that the matter relates to some matrimonial dispute and the possibility of settlement cannot be ruled out.

5. Issue notice to the private respondent.

6. List this case on 18.12.2023.

7. On the next date fixed applicant as well as private respondent shall appear in person before this Court.

8. Applicant no.1 is directed to deposit a sum of Rs. 25,000/- before the Senior Registrar of this Court within three weeks from today.

9. Till the next date of listing impugned proceedings shall remain stayed. In case the aforesaid amount is not deposited within the given time, interim protection will not be available to the petitioner. "

3. Neither applicant no.1 nor his counsel has put in appearance before this Court and amount of Rs.25,000/- is also not deposited by the applicant no.1 before this Senior Registrar as directed to him in earlier order. As it is evident that applicant no.1 has deliberately flouted the order of this Court, therefore, the applicants are not entitled to get any relief.

4. Accordingly, the application is **dismissed** and the interim order, granted earlier, is hereby **vacated**.

Order Date :- 18.12.2023

V. Sinha