

Court No. - 16

Case :- MATTERS UNDER ARTICLE 227 No. - 177 of 2024

Petitioner :- Mohd. Jalaluddin And 6 Others

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

Counsel for Petitioner :- Sumit Kumar Srivastava, Sachin Tiwari

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed, J.

Heard Sri Sumit Kumar Srivastava, learned counsel for the petitioners as well as Sri Sachin Tiwari, learned counsel for the opp. party No. 2 and Sri Ashok Kumar Singh, learned A.G.A.-I for the State/opp. party No. 1.

This petition has been filed by the petitioners with the following reliefs:

"(i) Set-aside the entire proceedings of impugned Complaint Case No. 3679/2022 (Akhtar Husain Versus Jalaluddin and others) and summoning order dated 11.11.2022 passed by the court of learned Additional Civil Judge (Junior Division)/Judicial Magistrate, Room No. 24, Pratapgarh by which the petitioners have been summoned for facing of trial under Section 323, 504, 427, 452 and 392 I.P.C. pertaining to Police Station Kotwali Nagar, District Pratapgarh as well as impugned N.B.W. order dated 23.02.2023 and order dated 28.06.2023 by which accepted the application for the issuance of 82 Cr.P.C. proceedings against the petitioners and impugned revisional order dated 05.12.2023 passed by the court of learned Additional District and Sessions Judge/F.T.C.-I, Pratapgarh in Criminal Revision No. 24/2023 (Mohd. Jalaluddin and others Versus State of U.P. and another), as contained in Annexure No. 1, 2, 3 and 4 respectively to this petition, in the interest of justice."

Learned counsel for the petitioners submits that the matter was referred to the Mediation and Conciliation Center of this Court by order dated 19.02.2024, which order is being reproduced hereunder:

"Sri Sachin Tiwari, Advocate has filed his Vakalatnama today in Court on behalf of respondent No.2. The same is taken on record."

Heard Sri Sumit Kumar Srivastava, learned counsel for the petitioners as well as Sri Sachin Tiwari, learned counsel for the opposite party No. 2 and Sri Ashok Kumar Srivastava, learned A.G.A for the State.

This petition has been filed by the petitioners with the following reliefs:

"(i) Set-aside the entire proceedings of impugned Complaint Case No. 3679/2022 (Akhtar Husain Versus Jalaluddin and others) and summoning order dated 11.11.2022 passed by the court of learned Additional Civil Judge (Junior Division)/Judicial Magistrate, Room No. 24, Pratapgarh by

which the petitioners have been summoned for facing of trial under Section 323, 504, 427, 452 and 392 I.P.C. pertaining to Police Station Kotwali Nagar, District Pratapgarh as well as impugned N.B.W. order dated 23.02.2023 and order dated 28.06.2023 by which accepted the application for the issuance of 82 Cr.P.C. proceedings against the petitioners and impugned revisional order dated 05.12.2023 passed by the court of learned Additional District and Sessions Judge/F.T.C.-I, Pratapgarh in Criminal Revision No. 24/2023 (Mohd. Jalaluddin and others Versus State of U.P. and another), as contained in Annexure No. 1, 2,3 and 4 respectively to this petition, in the interest of justice."

Learned counsel for the petitioners submits that by the impugned order dated 11.11.2022 the entire family members of the petitioners (including the wife of opposite party No.2, who is the daughter of petitioner No.1) have been summoned to face trial under Section 323, 504, 427, 452 and 392 I.P.C., which is totally in violation of legal provision. He further submits that the matter is purely a matrimonial dispute between the husband and wife and the other family members and they were falsely implicated in the case only to create pressure so that the matter may be compromised.

Sri Sachin Tiwari, learned counsel for the opposite party No.2 submits that the petitioner No.2-Nikahat Parveen wife of opposite party No.2 has also filed a complaint case under Section 498A, 323, 504, 506 I.P.C. and Section 3/4 Dowry Prohibition Act, Police Station Cantt against the opposite party No.2 and his entire family and they have also been summoned to face trial vide order dated 22.10.2021 passed by the Court of Additional Chief Judicial Magistrate, Court No.3, Varanasi in Complaint Case No. 3284/2020: Nikahat Parveen Vs. Akhtar Husain.

Sri Ashok Kumar Srivastava, learned A.G.A. and Sri Sachin Tiwari, learned counsel for the opposite party No.2 submit that there is counter allegation against each other and the matter relates to matrimonial dispute and the parties may be referred to the Mediation Centre of this Court so that the couple may have a chance to settle their dispute on their own terms through mediation amicably.

After hearing learned counsel for the parties and the suggestion given by the learned A.G.A. for the State, 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, Allahabad High Court, Lucknow. 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.

As the counsels of both the parties are present before this Court and the order is being passed in their presence, there is no need to issue notice to the parties. The parties shall co-operate in the mediation proceedings and shall not seek any adjournment, unless there is any cogent reason.

The parties shall appear before the Mediation and Conciliation Centre, Allahabad High Court, Lucknow on 11.03.2024.

List this case before the appropriate Bench along with report of the mediator on 02.05.2024.

Till the next date of listing, the proceedings of both Complaint Case No. 3679/2022 (Akhtar Husain Versus Jalaluddin and others) and Complaint Case No. 3284/2020: Nikahat Parveen Vs. Akhtar Husain shall be kept in abeyance.

It is made clear that in case of non-participation of the parties 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."

After mediation proceedings are completed, the Mediation and Conciliation Center of this court has submitted its report dated 15.07.2024 in which it has been stated- 'Mediation completed. Agreement enclosed.' The report includes a settlement-agreement entered into between the parties. The settlement-agreement has been signed by the parties, their counsel and Mediator on 15.07.2024. Terms and conditions of the settlement-agreement are from para nos. 1 to 7 and both the parties submit that they are bound to comply with the conditions as laid down from paragraph no. 1 to 7 of the settlement-agreement dated 15.07.2024, thus, both of them submit this writ petition may be disposed of in terms of the settlement-agreement arrived between the parties and the parties are directed to comply the same, without fail.

Sri Ashok Kumar Singh, learned A.G.A. has no objection.

Accordingly, the writ petition is **allowed**.

Entire proceedings of Complaint Case No. 3679/2022, Akhtar Husain v. Jalaluddin & ors., including the orders dated 11.11.2022, 23.2.2023, 28.6.2023 and 5.12.2023 passed in Criminal revision No. 24 of 2023 arising out of the order passed in Complaint Case No. 3679/2022, Akhtar Husain v. Jalaluddin & ors., are hereby **quashed**.

Both the parties are directed to comply with the terms and conditions of the settlement-agreement.

No order as to costs.

(Shamim Ahmed, J.)

Order Date :- 29.7.2024
A.Nigam