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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

*Judgment delivered on: 23<sup>rd</sup> September, 2015*

+ **CRL.M.C. No.2601/2015**

SACHIN KUMAR ALIAS SATPAL AND ORS ..... Petitioners  
Represented by: Mr. Krishan Kumar, Advocate.

Versus

THE STATE AND ANR ..... Respondent  
Represented by: Mr. Ravi Nayak, Additional  
Public Prosecutor for the State with  
SI Dinesh Kumar, P.S. Jyoti Nagar.  
Ms. Pusshp Gupta, Mediator.  
Mr. MP.Singh, Rathore, Advocate  
for Respondent No. 2 with  
Respondent No.2 and her father in  
person.

**CORAM:**  
**HON'BLE MR. JUSTICE SURESH KAIT**

**SURESH KAIT, J. (Oral)**

**CRL.M.C. No.2601/2015**

1. By way of this petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioners seek quashing of FIR No.408/2011 registered at Police Station Jyoti Nagar, Delhi, for the offences punishable under Sections 498-A/406/34 IPC registered on the complaint of respondent No.2/Ms. Mamta.

2. This petition has been filed on the ground that the matter has been settled before the Mediation Centre, Karkardooma Courts, Delhi, on 15.02.2012, whereby it was recorded that petitioners had already paid an

amount of Rs.3,00,000/- (Three Lacs) in favour of the respondent No.2. However, learned counsel appearing on behalf of the respondent No.2, on instructions, states that the respondent No.2 has not received any such amount, as noted in the proceedings dated 15.02.2012 in the aforesaid Mediation Centre.

3. Vide order dated 01.09.2015, the petitioners were directed to furnish the details of the amount paid in favour of the respondent No.2 and the respondent No. 2 and her father were also directed to bring their original pass books of the accounts maintained in the Bank. Accordingly, the respondent No. 2 and her father have produced their bank statements. I have gone through the same, however, there is no transaction of such amount having been deposited either in account of the respondent No. 2 or in her father's account.

4. The petitioners have brought 3-4 persons from their village, who stated that a sum of Rs.3,00,000/- (Three Lacs) was given in Panchayat. This Court specifically asked them to show any of the proceedings of the Panchayat or any receipt taken/obtained in lieu of payment of Rs.3,00,000/- (Three Lacs) either to the respondent No.2 or her family member. However, they have failed to do so.

5. Pursuant to order dated 01.09.2015, Mediator Ms. Pusshp Gupta is also present in Court and informs that no transaction had taken place in the mediation. However, parties submitted that payment Rs.3,00,000/- (Three Lacs) has already been made to respondent no.2, therefore, in the proceedings dated 15.02.2012, she recorded the factum that the respondent No.2 had already received the full and final settlement amount

of Rs.3,00,000/- (Three Lacs).

6. It is noted that on 01.09.2015 as well as today, learned counsel for the petitioners submitted that the said amount was paid to the respondent No.2; whereas the respondent No. 2 disputed the same. No doubt, mediation proceedings taking place before the Mediation Centres are binding on the parties. But, situations like this, are exception to it. Therefore, since the receipt of the amount itself is in dispute in this case, therefore, I, am not inclined to quash the FIR in question.

7. Accordingly, the instant petition is dismissed.

8. The petitioners are at liberty to prove the factum of payment of the aforesaid amount before the learned Trial Court by leading evidence to this effect as in these proceedings, the genuineness of the same cannot be ascertained.

9. Accordingly, the Trial Court is directed to record the evidence of the parties and give its opinion on the issue.

10. I hereby make it clear that if the petitioners are able to establish before the learned Trial Court that they have paid the said amount to the respondent No.2, the petitioners will be at liberty to approach this Court for quashing of the FIR.

11. It is pertinent to mention here that more than 50% population of the country is illiterate or semi-literate. Many times, some parties coming for the mediation do not understand the proceedings. Such type of cases come very rarely. Still it is the duty of the Courts to make the system perfect so that no such issue, as raised in the present case, arise.

12. Therefore, before parting with this order, keeping in view the controversy raised in the instant petition, the Mediators are directed that in cases where the amount is not paid before the Mediators, while recording the amount already paid by the parties, they shall also ascertain some relevant facts, viz., the receipt and mode of payment, and this fact shall also invariably be incorporated in their reports.

13. Accordingly, the Registry of this Court is directed to send a copy of this order to all the Judge-Incharges of the District Mediation Centres; and Delhi High Court Mediation and Conciliation Centre, for compliance.

**Crl. M.A.No.9284/2015 (for stay)**

With the dismissal of the petition noted above, the instant application has become *infructuous*. The same is dismissed accordingly.

**SURESH KAIT  
(JUDGE)**

**SEPTEMBER 23, 2015  
Sb/RS**