

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20647 of 2017

Arising Out of PS.Case No. -2260 Year- 2015 Thana -COMPLAINT CASE District- ARRARIA

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Santosh Kumar Sah, S/o Krishna Prasad Sah, Resident of village –
Kurshakanta, P.S. Kurshakanta, District – Araria.

.... Petitioner/s

Versus

1. The State of Bihar
2. Dimpal Kumari, W/o Santosh Kumar Sah, D/o Late Ram Prasad Sah,
Resident of village + P.O. – Sikti, District – Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Sri Akbar Ali

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 24-05-2017

Heard learned counsel for the petitioner and

the State.

The present application has been filed for quashing the order dated 14.03.2016 passed by learned Judicial Magistrate, Ist Class, Araria in Complaint Case No. 2260-C of 2015, whereby process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

Learned counsel for the petitioner very fairly submits that the evidence at pre-charge level under Section 244 Cr.P.C. is going on. Hence, this Court is not inclined to interfere. However, petitioner is ready for the mediation.

In view of the ratio laid down in the case of



K. Srinivas Rao Vs. D.A. Deepa, (2013) 5 SCC 226, where the Apex Court has issued directions to the courts dealing with matrimonial matters to follow the method of mediation at any stage of the case. Paragraph nos. 45 and 46, read as follows:-

“45. We would, however, like to clarify that reduction of burden of cases on the courts will, however, be merely an incidental benefit and not the reason for sending the parties for mediation. We recognize “mediation” as an effective method of alternative dispute resolution in matrimonial matters and that is the reason why we want the parties to explore the possibility of settlement through mediation in matrimonial dispute.

46. We, therefore, issue directions, which the courts dealing with the matrimonial matters shall follow.

46.1. In terms of Section 9 of the Family Courts Act, the Family Courts shall make all efforts to settle the matrimonial disputes through mediation. Even if the counselors submit a failure report, the Family Court shall, with the consent of the parties, refer the matter to the mediation centre. In such a case, however, the Family Courts shall set a reasonable time-limit for mediation centres to complete the



process of mediation because otherwise the resolution of the disputes by the Family Court may get delayed. In a given case, if there is good chance of settlement, the Family Court in its discretion, can always extend the time-limit.

46.2. The criminal courts dealing with the complaint under Section 498-A IPC should, at any stage and particularly, before they take up the complaint for hearing, refer the parties to mediation centre if they feel that there exist elements of settlement and both the parties are willing. However, they should take care to see that in this exercise, rigour, purport and efficacy of Section 498-A IPC is not diluted. Needless to say that the discretion to grant or not to grant bail is not in any way curtailed by this direction. It will be for the court concerned to work out the modalities taking into consideration the facts of each case.

46.3. All mediation centres shall set up pre-litigation desks/clinics; give them wide publicity and make efforts to settle matrimonial disputes at pre-litigation stage.”

In view of the above direction of the
Apex Court, it is expected from the learned court below



to get the issue mediated between the parties, if the complainant agrees for the same.

With the above observation, this application is disposed of.

DKS/-

(Dinesh Kumar Singh, J)

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