HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 13439 of 2025

Atul Sharma @ Bhanendra Saraswat And 4 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Manish Kumar Dwivedi, Chandra Bhushan Prasad, Firoz Ahmad Khan
Counsel for Respondent(s)	:	G.A., Rama Yadav, Tripurari Pal

Court No. - 47

HON'BLE RAJEEV MISRA, J.
HON'BLE DEVENDRA SINGH-I, J.

Case called out in revised list.

Even though the names of Mr. Manish Kumar Dwivedi, Chandra Bhushan Prasad, Firoz Ahmad Khan are duly published in the cause list as counsel for petitioners but neither they nor anyone on their behalf is present to press this writ petition even in revised call.

Learned A.G.A. representing State-respondents 1, 2 and 3 is present. Even though the name of Mr. Rama Yadav, Tripurari Pal are duly published in the cause list as counsel for first informant/respondent-4 but neither they nor anyone on their behalf is present to oppose this writ petition even in revised call.

Petitioners- Atul Sharma @ Bhanendra Saraswat and four others have approached this Court by means of present Criminal Misc. Writ Petition challenging the impugned F.I.R. dated 3.6.2025 lodged by first informant/respondent-4 Sweety which was registered as Case Crime No. 474 of 2025, under Sections 85, 115(2), 352, 74 BNS, Old Section 498-A, 323, 504, 354 IPC read with section 3/4 D.P. Act Section 3(2)(va) SC/ST Act, Police Station-Kwarsi, District- Aligarh.

Present writ petition came up for admission on 2.7.2025 and this Court passed the following order:-

"1. Heard learned counsel for the petitioners, learned A.G.A. for the State and the learned counsel for private respondent.

2. Challenge in this writ petition is to the first information report dated 3.6.2025 giving rise to Case Crime No. 474 of 2025, under Sections 85, 115(2), 352, 74 of

Bharatiya Nyaya Sanhita (BNS), 2023 (old Sections 498A, 323, 504, 354 IPC) read with 3/4 Dowry Prohibition Act, 1961 and Section 3(2)(va) Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015), Police Station Kwarsi, District Aligarh.

3. Learned counsel for petitioners submits that the instant FIR has been lodged due to matrimonial discord between the petitioner no.1 and the respondent no.4. He however, submits that there is likelihood of settlement of the matrimonial dispute between the parties.

4. Learned counsels for the parties admit that there are chances of reconciliation between the parties.

5. The petitioner no.1 is directed to deposit a sum of Rs. 35,000/- by way of demand draft / pay order in the name of Registrar General A/c, Allahabad High Court Mediation & Conciliation Centre within a period of two weeks from today. The amount of Rs. 30,000/- to be paid to the respondent-wife in two equal installments on the first two dates when she appears before the Centre. Rs.5,000/- shall be retained by the Mediation Centre towards cost of mediation centre. Learned counsel for the parties agree that the parties shall appear before the Mediation Centre on 16.7.2025. The mediator may thereafter make an effort to complete the mediation/conciliation between the parties. The Mediation Centre shall submit its report in the matter within three months.

6. List this case after three months before the appropriate Bench.

7. In view of the facts as noted above and that the matter has been referred for mediation at the Mediation and Conciliation Centre, High Court, Allahabad, as an interim measure it is provided that no coercive action shall be taken against petitioners till the next date of listing, from the date of deposit of amount as directed herein above.

8. However, it is provided that if the amount, as directed above, is not deposited by the petitioner no.1 within the aforesaid period, the protection granted to the petitioners shall automatically stand vacated and the instant writ petition shall stand dismissed, without any further reference to the Court. "

Pursuant to above order, matter was referred to Mediation and Conciliation Center, High Court Allahabad. However, no amicable settlement could be arrived at by the parties. The Medication and Conciliation Centre, High Court, Allahabad has submitted a report, stating therein that no agreement could be arrived at between the parties. From perusal of order sheet, it is explicit that interim order granted on 2.7.2025 was never extended. As such, no interim order is operating in present writ petition on date. This Court vide order dated 2.7.2025 had granted limited protection to petitioner as only the arrest of the petitioner was stayed and not investigation.

Considering the above and also the fact that the impugned F.I.R. was lodged

on 3.6.2025 coupled with the fact that a period of 1 year and four months has expired since then, in all probability the investigation would have come to it's logical conclusion.

We are therefore, of the considered opinion that by efflux of time present writ petition has been rendered infructuous.

It is accordingly dismissed as having rendered infructuous.

Interim order, if any, shall stand vacated.

October 23, 2026
Arshad

(Devendra Singh-I,J.) (Rajeev Misra,J.)

Digitally signed by :-
ARSHAD MAHMOOD
High Court of Judicature at Allahabad