



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 3139 of 2026

Mohd Aman And 6 Others

.....Petitioner(s)

Versus

State Of Up And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Vindeshwari Prasad

Counsel for Respondent(s) : G.A., Mohammad Farooque Ansari

Court No. - 47

HON'BLE RAJEEV MISRA, J.

HON'BLE LAKSHMI KANT SHUKLA, J.

1. Heard Mr. Vindeshwari Prasad, the learned counsel for petitioners, the learned A.G.A. representing State-respondents 1 to 3 and Mr. Mohammad Farooque Ansari, the learned counsel representing first informant/respondent-4

2. Perused the record.

3. Petitioners-Mohd Aman And 6 Others others have approached this Court by means of present Criminal Misc. Writ Petition challenging the FIR dated 16.01.2026 lodged by first informant-respondent-4, Smt. Nazia and registered as Case Crime No. 12 of 2026, under Sections 85, 115 (2), 74, 351 (2), 352 BNS, Sections 3/4 D. P. Act and Section 3 & 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019, Police Station- Bechhraun, District-Amroha.

4. Learned counsel for petitioners in challenge to the impugned F.I.R. submits that the impugned F.I.R. is not only malicious but also an abuse of the process of Court. According to the learned counsel for petitioners, the marriage of petitioner-1, Mohd. Aman was solemnized with first informant/respondent-4, Smt. Nazia on 01.12.2024 in accordance with Muslim Rites and Custom. However, on account of some marital discord, relationship between petitioner-1 and first informant/respondent-4 i.e. husband and wife, became strained. He therefore submits that dispute between the parties is basically a civil and matrimonial dispute, which has been dragged into criminal litigation. On the above premise, the learned counsel for petitioners submits that considering the nature of dispute

between the parties, interest of justice shall better be served in case the parties are referred to mediation. In case the parties are referred to mediation, there are every chances of the matter being settled amicably.

5. Per contra, the learned A.G.A. representing State/respondents 1, 2 and 3 and the learned counsel representing first informant/respondent-4 do not oppose the bonafide submissions urged the learned counsel for petitioners.

6. In view of above, matter is accordingly referred to Mediation and Conciliation Center, High Court Allahabad.

7. Petitioners shall deposit a sum of Rs. 25,000/- with the Mediation and Conciliation Center, High Court Allahabad by means of a Bank Draft drawn infavour of Registrar (Accounts), Mediation and Conciliation Center, High Court Allahabad within a period of two weeks from today.

8. In case the aforesaid amount is deposited, notice shall be issued to first informant/respondent-4 by the Mediation and Conciliation Center, High Court Allahabad.

9. In case the first informant/respondent-4 appears in the Mediation proceedings then a sum of Rs. 20,000/- out of the aforesaid deposit shall be paid to first informant/respondent-4. The balance amount shall be retained towards the cost of mediation.

10. The Mediation and Conciliation Center, High Court Allahabad shall make an endeavour to conclude the mediation proceedings within a period of three months from today and thereafter submits its report to this Court.

11. Notice on behalf of State/respondents 1 to 3 has been accepted by the learned A.G.A.

12. Mr. Mohammad Farooque Ansari has put in appearance on behalf of first informant/respondent-4

13. All the respondents may file their respective counter affidavits within six weeks. Petitioners will have two weeks thereafter to file their respective rejoinder affidavits.

14. Put up this writ petition for admission as fresh on 19.05.2026 before appropriate Bench.

15. Considering the facts and circumstances of the case and coupled with

fact that the matter has been referred to Mediation, therefore, as an interim measure, it is hereby provided that petitioners shall not be arrested in Case Crime No. 12 of 2026, under Sections 85, 115 (2), 74, 351 (2), 352 BNS, Sections 3/4 D. P. Act and Section 3 & 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019, Police Station-Bechhraun, District-Amroha, till the next date fixed.

16. In case of default in payment of aforesaid deposit as directed above, the interim protection granted to the petitioners shall stand automatically vacated. The Investigating Officer shall be free to arrest the petitioners.

17. Matter shall not be treated as tied up or part heard to this Bench.

18. Assignment, if any, stands discharged.

(Lakshmi Kant Shukla,J.) (Rajeev Misra,J.)

February 18, 2026

YK