

Case :- APPLICATION U/S 528 BNSS No. - 12087 of 2025

Applicant :- Sahil Chaudhary And 3 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Kamlesh Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Kamlesh Kr. Mishra, learned counsel for the applicants and Sri Brijesh Kr. Dwivedi, learned A.G.A. for the State.

2. The present application has been filed to quash the summoning /cognizance order dated 16.12.2024, charge sheet dated 23.08.2024 and 29.10.2024, as well as entire proceeding of case No. 157323 of 2024, arising out of case crime No. 15 of 2024, under Section 498A, 323, 504, 506, 406, IPC and 3/4 DP Act, P.S. Mahila Thana, District Kanpur Nagar.

3. Contention of learned counsel for the applicants is that the present dispute is a matrimonial dispute between husband and wife which can be settled through mediation, therefore, this matter may be referred to the Mediation Centre, Allahabad High Court.

4. Considering the nature of the case, the present matter is referred to the Mediation Centre, High Court Allahabad, subject to the condition that the applicants will deposit a sum of Rs. 35,000/- within three weeks from today with the Mediation Centre out of which Rs. 30,000/- shall be paid to opposite party no.2 on her appearance before the Mediation Centre on a date to be fixed by the mediation center. Balance Rs.5,000/- shall be retained by the mediation center towards its expenses.

5. It is also directed that while depositing money before the mediation centre, counsel for the applicants shall also file memo of parties as mentioned in case file along with the WhatsApp number as well as email ID of the private respondent(s), if available.

6. Issue notice to opposite party No.2.

7. After depositing the aforesaid amount within aforementioned time, notices shall be issued to the parties fixing some date for mediation and the Mediation Centre shall make all possible efforts to conclude the mediation and conciliation proceedings expeditiously.

8. List in the week commencing 4.8.2025.

9. It is further provided, if applicants file receipt of deposit of the aforesaid amount before the court below then no coercive action shall be taken against the applicants in the aforesaid case, till the next date of listing.

10. It is made clear that in case there occurs default by the applicants either in depositing the amount or in appearing before the Mediation Centre on the date fixed, the interim order shall cease to operate and the Mediation Centre shall immediately communicate to the office which in turn shall list the case within a week before the appropriate Bench for passing orders in the matter.

11. It is also made clear that in case the applicants fail to submit the receipt of the aforesaid deposit before the court below then the court below would be free to proceed against the applicants.

12. It is clarified that interim order has been granted till the next date, if the applicants fail to produce any order of this court extending the interim order after the date fixed then court below would be free to proceed against the applicants.

Order Date :- 11.4.2025

Vandana