

Court No. - 70

Case :- APPLICATION U/S 482 No. - 35900 of 2019

Applicant :- Vishwas Singh And 3 Ors

Opposite Party :- State Of U.P. And Anr

Counsel for Applicant :- Pawan Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

Heard learned counsel for the applicants, learned Additional Government Advocate for the State/opposite party no.1 and perused the record with the assistance of learned counsel for the parties.

By means of this application under section 482 of the Code of Criminal Procedure, the applicants have invoked the inherent jurisdiction of this Court for quashing of the charge sheet dated 7.6.2019, cognizance order 3.8.2019 as well as entire proceedings of Criminal Case No. 1393 of 2019 (State vs. Vishwash Singh) arising out of Case Crime No.01 of 2019, under Sections 498-A, 506 IPC and Section 3/4 Dowry Prohibition Act, police station Mahila Thana, district Maharajganj pending in the court of Chief Judicial Magistrate, Maharajganj.

It is submitted by the learned counsel for the applicants that applicant No. 1 is husband of opposite party No. 2 and rest of the applicants are the family members of applicant No. 1 and there is a matrimonial dispute between the parties. Applicants are willing to settle the matter through mediation, therefore, an opportunity be granted to the parties concerned for reconciliation/settlement of their disputes by way of mediation.

This Court owes a duty to the society to strain to the utmost to repair the frayed relations between the parties concerned in matrimonial dispute, so that wounded situation may be healed into healthy rapprochement. The matter in hand also appears to be one of those cases in which reconciliation should be tried between the parties.

The Apex Court in case of ***B.S. Joshi Vs. State of Haryana***; 2003 (4) SCC 675 has also observed that courts to encourage settlement of marital disputes between the contesting spouses, so that they do not lose their youthful years in chasing interminable litigations. The Apex Court in the matter of ***State of Madhya Pradesh vs Laxmi Narayan and others***; AIR 2019 SC 1296 has also held that the power conferred under Section

482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised in cases arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves

In view of above, I agree with the submission advanced on behalf of the applicants and feel that the interest of justice would be served, if such request of the applicants are acceded to and the criminal proceedings and other litigations between the parties concerned is brought to an end.

The matter is referred to Mediation & Conciliation Centre of this Court. The applicant .No. 1 (husband) is directed to deposit a sum of Rs. 15,000/- by way of demand draft in favour of Registrar General, Allahabad High Court Mediation & Conciliation Centre within a period of two weeks from today to the In-charge Mediation and Conciliation Centre, High Court, Allahabad. After deposit of the aforesaid money by applicant No. 1, office shall send a notice to opposite party no.2 fixing a date to appear before the Mediation and Conciliation Centre of this Court.

Out of aforesaid amount, a sum of Rs. 13,000/- shall be payable to opposite party no.2, namely, Smt Shivani Chaudhary on her appearance before the Mediation and Conciliation Centre. The remaining amount of Rs. 2,000/- shall be payable to the Mediation Centre. The Mediation Centre will submit its report in the matter within two months.

Opposite parties may file counter affidavit, if any, within four weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

List immediately after expiry of two months before the appropriate Bench along with the report of Mediation and Conciliation Centre, High Court, Allahabad.

Till the next date of listing, no coercive action shall be taken against the applicants in the aforesaid case subject to following conditions:-

(i) The applicant No. 1 after deposit of aforesaid amount within the aforesaid period shall submit a proof of deposit of said amount before the concerned court below.

(ii) In case, the said amount, as directed above, is not deposited by the applicant No. 1 within the aforesaid period, the interim protection granted by this Court shall automatically come to an

end and it will be open for the concerned court below to proceed against the applicants in accordance with law.

Order Date :- 26.9.2019

Sumaira