

Court No. - 83

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 796 of 2023

Applicant :- Anuj Rastogi

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

Counsel for Applicant :- Virendra Singh, Aditya Sharma, Rajneesh Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Pachori, J.

Sri Virendra Singh, learned counsel for the applicant and Sri Karunakar Singh, learned A.G.A. for the State are present.

The present transfer application has been filed to transfer the Case No. 1043 of 2021 (Subhi Rastogi Vs. Anuj Rastogi), under Section 125 of Cr.P.C. pending in the court of Principal Judge, Family Court, Meerut and Case No. 23510 of 2021 (Subhi Rastogi Vs. Anuj Rastogi & Others), under Section 12 of Domestic Violence Act, pending in the Court of Civil Judge (J.D.)/F.T.C., Meerut to any other adjoining District.

Learned counsel for the applicant submits that the matter relates to matrimonial dispute and applicant (husband) is ready and willing to settle the dispute amicably and keep the opposite party no. 2 with him. In order to show his bona fides the applicant is ready to deposit Rs. 40,000/- to be handed over to the wife on her first appearance. Learned counsel for the applicant urged that the case may be referred to the Mediation Centre of this Court so that the couple may have a chance to settle their dispute on their own terms through mediation.

The Court is also satisfied on the basis of record and the submissions made before it that the nature of litigation is such that there is a chance to resolve the matter through process of mediation and an attempt ought to be made to explore that possibility.

Accordingly, the matter is being referred to the Mediation and Conciliation Centre, High Court, Allahabad. The applicant will deposit Rs.40,000/- till 05.01.2024 at the Mediation Centre. In case the amount is deposited, the Mediation Centre will issue notices to both the parties returnable within a period of four

weeks. Out of the same, Rs.36,000/- shall be handed over to the wife on her first appearance with regard to her maintenance and minimum expenses. Rs.4,000/- will remain deposited with the Mediation Centre.

The mediator is allowed three months' time to find out possible solution of the dispute between the parties and send his report to the court regarding the outcome of mediation.

Put up this case as fresh on 12.03.2024.

Till the next date of listing, proceeding of Case No. 1043 of 2021 (Subhi Rastogi Vs. Anuj Rastogi), under Section 125 of Cr.P.C. pending in the court of Principal Judge, Family Court, Meerut and Case No. 23510 of 2021 (Subhi Rastogi Vs. Anuj Rastogi & Others), under Section 12 of Domestic Violence Act, pending in the Court of Civil Judge (J.D.)/F.T.C., Meerut shall remain stayed.

It is made clear that in case of default in depositing the amount as ordered above or on non-participation of the applicant in the mediation proceedings, the interim stay order shall stand automatically vacated.

Order Date :- 13.12.2023

Ishan