

Court No. - 79

Case :- APPLICATION U/S 482 No. - 34470 of 2024

Applicant :- Dharmveer Gautam

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

Counsel for Applicant :- Ganesh Mani

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Ganesh Mani, learned counsel for the applicant and Sri Rajeev Kumar Singh, learned AGA for the State.
2. The present application under Section 482 Cr.P.C. has been filed for quashing the impugned order dated 14.02.2024 passed by the Additional Civil Judge (J.D.)/ Judicial Magistrate, Court No.6, Ghazipur in Criminal Misc. Case No.1916 of 2021, under Section 23 of Protection of Women from Domestic Violence Act, 2005 and the order dated 15.06.2024 passed by learned Sessions Judge, Ghazipur in Criminal Appeal No.22 of 2024, under Section 29 of Protection of Women from Domestic Violence Act, 2005.
3. Contention of learned counsel for the applicant is that the court below without considering the fact that the applicant is getting Rs.10,000/- per month as salary, granted interim maintenance at the rate of Rs.3000/- per month under Section 23 of Domestic Violence Act vide order dated 14.02.2024 though that order was challenged by the applicant in appeal which was also dismissed on 15.06.2024. It is lastly submitted by the counsel for the applicant that the applicant wants to settle the dispute with opposite party no.2, therefore, the present matter may be referred to Mediation and Conciliation Centre of this Court.
4. Issue notice to the opposite party no. 2, returnable at an early date.
5. In view of the above, it is directed that the applicant shall deposit a sum of Rs.35,000/- within two weeks from today with the Mediation Centre of this Court out of which Rs. 30,000/- shall be paid to opposite party no. 2, on the date fixed, on her appearance before the Mediation Centre and Rs. 5000/- be retained by the Mediation Centre as mediation fee.
6. The matter is remitted to the Mediation Centre with the direction that after deposit of such amount, by the applicant, it shall issue

notice to the parties fixing some date for mediation and shall make all possible efforts to conclude the mediation and conciliation proceedings expeditiously, preferably within a period of two months.

7. List this case in the week commencing 27.01.2025 before the appropriate Bench along with the report of Mediation Centre.

8. After depositing Rs.35,000/- before mediation centre, the receipt of the same shall be submitted by the applicant before the court below and continue to pay Rs.2000/- per month as interim maintenance with effect from 05.12.2024. In case, this condition is satisfied then the effect and operation of the impugned order dated 14.02.2024 shall remain stayed, till next date of listing.

9. In case, the applicant fails to submit the receipt of aforesaid deposit before the court below and also fails to pay Rs.2000/- per month as directed above then court below will be free to proceed against the applicant.

10. It is made clear that this Court has not stayed the proceeding under Section 12 of the Domestic Violence Act, the Court below is free to complete the proceeding. This Court has passed the order only with regard to interim maintenance.

Order Date :- 28.11.2024

A.Kr.