



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 482 No. - 38651 of 2024

Nadeem Khan And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Fahd Iqbal, Sahab Ali
Counsel for Opposite Party(s)	:	Deepak Singh, G.A.

Court No. - 82

HON'BLE PRAVEEN KUMAR GIRI, J.

1. Heard learned counsel for the parties.
2. Learned counsel for the applicants submits that he has filed the instant application under Section 482 Cr.P.C. with the relief which has been mentioned in the prayer clause of the application.
3. The relief which has been mentioned in the application is delineated below:-

"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to allow the application and quash/set aside the impugned Charge sheet dated 23.10.2023 filed in Criminal Case No. 3292 of 2024 (State Vs. Naeem Khan and others) pending before the Chief Judicial Magistrate, Rampur, in Case crime No. 459 of 2023 under sections 323, 354 (Kha), 342, 504, 506 I.P.C. Police Station Tanda, district Rampur as well as the cognizance order dated 26.02.2024 passed by the court of Chief Judicial Magistrate, Rampur by means of which the present applicants have been charge sheeted by the Investigating Officer in Case crime No. 459 of 2023 under sections 323, 354 (Kha), 342, 504, 506 I.P.C. Police Station Tanda, district Rampur and cognizance has been taken against the present applicants by the court of Chief Judicial Magistrate, Rampur vide order dated 26.02.2024 otherwise the applicant shall suffer irreparable loss and injury."

4. Learned counsel for the applicants submits that the opposite party No. 2 was the mother-in-law (saas) of the alleged accused-applicant No. 1.

Learned counsel for the applicants further submits that the applicant No. 1 and the daughter of the opposite party No. 2, namely Sahiba (also injured) married to each other on 15.03.2022, and the same is evident from the perusal of the Nikahnama, typed copy of Hindi at page no. 102 of the paper book.

5. Learned counsel for the applicants submits that the mother-in-law of the applicant No. 1 alleging that on 7.10.2023 at about 4:15 PM, the applicant-husband and his family members caused injury and outraged the modesty of her daughter. During the alleged incident, the informant i.e. opposite party No. 2 and the wife of the applicant No. 1, namely Sahiba, also received injuries. Learned counsel for the applicants further submits that regarding the alleged incident, an FIR has been registered by the opposite party no. 2 as Case Crime No. 459 of 2023, under Sections 354(kha), 342, 323, 504 and 506 IPC at Police Station Tanda, District Rampur against her son-in-law and his family members.

6. Learned counsel for the applicants submits that at the time of the alleged incident, the applicant No. 1 and the opposite party No. 2 were living as a husband and wife, but the marriage could not survive due to altercation between them. Therefore, mutual divorce papers (Annexure No.8) were prepared by both parties on 26th October 2023, and from that date, both are living separately.

7. Learned counsel for the applicants submits that just to harass the applicants, the FIR has been lodged on concocted facts, and the investigating officer without going into the facts of the case has prepared the charge sheet under Indian Penal Code including under Section 354(kha) IPC. Further submission is that during the subsisting of marriage, no allegation of outrage of modesty between the husband and wife can sustain.

8. The learned A.G.A. submits that the contention raised by the applicants in the application may be rebutted by filing a counter affidavit. Therefore, some time may be granted to file a counter affidavit. Learned counsel for the State submits that the dispute arises out of a matrimonial matter, and therefore, the matter may be referred for mediation.

9. Learned counsel for the applicants is ready to settle the dispute through Medication & Conciliation Centre of this Court.

10. Accordingly, both parties, including the alleged victim Sahiba, are directed to appear before the Mediation & Conciliation Centre of this Court for reconciliation of the matter on a date to be fixed by the mediation centre. The applicant-husband is directed to deposit Rs. 20,000/- before the mediation center, out of which Rs. 15,000 shall be given to the victim Sahiba i.e. the daughter of the opposite party no. 2.

11. After completion of mediation, the concerned officer of the Medication & Conciliation Centre of this Court is directed to send notice to the opposite party No. 2, and the opposite party No. 2 along with her daughter shall appear before the mediation center on a date to be fixed by the mediation centre. The merits of the case shall be seen after receiving reports from the mediation center.

12. Till the submission of the mediation report, the proceedings of Criminal Case No. 3292 of 2024 (State Vs. Naseem Khan and others), arising out of Case Crime No. 459 of 2023, under Sections 323, 354 (Kha), 342, 504, 506 IPC, Police Station Tanda, District Rampur, pending in the Court of Chief Judicial Magistrate, Rampur, shall remain stayed.

13. The concerned officer of the Mediation & Conciliation Centre shall complete the mediation proceedings within three months from today, and after three months, the matter shall be listed before this Court for final adjudication of the case on merits.

14. List this case on **18.02.2026**.

(Praveen Kumar Giri,J.)

November 13, 2025

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