

**Court No. - 75**

**Case :-** APPLICATION U/S 482 No. - 43276 of 2024

**Applicant :-** Mohammad Ali Alias Kamal

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

**Counsel for Applicant :-** Sunil Kumar Yadav

**Counsel for Opposite Party :-** Ajeet Singh,G.A.,Prashant Singh

**Hon'ble Arun Kumar Singh Deshwal,J.**

1. Heard Sri Sunil Kumar Yadav, learned counsel for the applicant, Sri Prashant Singh, learned counsel for opposite party no.2 and Sri Rajeev Kumar Singh, learned AGA for the State.

2. This application under Section 482 Cr.P.C. has been filed to quash the impugned charge sheet dated 27.12.2022 along with Cognizance order dated 16.02.2023 and the entire proceeding of Case No.3109 of 2023 (State of U.P. vs. Mohd. Ali @ Kamal and Others), arising out of Case Crime No.258 of 2022, under Sections 498A, 323, 504, 506 I.P.C. and Section 3/4 D.P. Act, Police Station- Kaptanganj, District- Kushi Nagar, as well as stay the further proceeding of the aforesaid case, pending in the court of Civil Judge (Senior Division/A.C.J.M., Kushinagar.

3. From perusal of record, it appears that this court heard this matter on 21.01.2025. On that date, learned counsel for the applicant made statement that parties have settled their dispute and a written compromise has also been entered into between them. Copy of that compromise has also been annexed at page no.52 of the affidavit. Notice was issued to learned counsel for opposite party no.2.

4. Today, Sri Prashant Singh, learned counsel for opposite party no.2 has submitted that it is correct that compromise

was entered into between the parties but same cannot be materialized for the reason that applicant has not complied the terms of the settlement.

5. Learned counsel for the applicant as well as learned counsel for opposite party no.2 jointly submitted that matter may be referred to the Mediation Centre, High Court, Allahabad.

6. In view of the above, the matter is referred to the Mediation Centre, High Court Allahabad, subject to the condition that the applicant will deposit a sum of Rs.25,000/- within three weeks from today with the Mediation Centre, out of which Rs.20,000/- shall be paid to the 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.

7. It is also directed that while depositing the amount before the Mediation Centre, learned counsel for the applicants shall also file memo of parties as mentioned in present case along with Whatsapp Number as well as Email-Id of the private respondent(s), if available.

8. Issue notice to opposite party no.2.

9. 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.

10. List in the week commencing 11.08.2025.

11. It is further provided, if applicant files receipt of deposit of

the aforesaid amount before the court below then no coercive action shall be taken against the applicant in the aforesaid case, till the next date of listing.

12. It is also made clear that in case the applicant fails to submit the receipt of the aforesaid deposit before the court below then the court below is free to proceed against the applicant.

13. In the meantime, learned counsel for the applicant will file amendment application to convert the present application into Application u/s 528 of BNSS.

**Order Date :-** 3.4.2025

S.Chaurasia