



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 52228 of 2025

Dwarka Prasad And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Rajeev Kumar
Counsel for Opposite Party(s) : G.A.

Court No. - 79

HON'BLE TEJ PRATAP TIWARI, J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the record.
2. The present application under Section 528 BNNS has been filed to quash the entire proceeding of Case No. 8916 of 2021 (Criminal Case No. 12003 of 2021) (State Vs. Manoj Kumar & others), arising out of Case Crime No. 12 of 2021, under Sections 498A, 323, 504, 506 of IPC and 3/4 D.P Act, Police Station- Mahila Thana Navabad, District Jhansi, pending in the court of Civil Judge (J.D)/FTC (CAW), Jhansi.
3. Issue notice to opposite party no. 2 returnable at an early date.
4. Learned counsel for the applicant submits that the matter relates to matrimonial dispute and in case, the matter is referred for mediation, the parties may get an opportunity to amicably settle their dispute. He, therefore, submits that in view of the peculiar facts and circumstances of the present case, it will be in the interest of both the parties that the case may be referred for mediation to the Mediation Centre, High Court, Allahabad.
5. At the very outset, learned counsel for the applicants contended that the applicants are father-in-law and mother-in-law, and they reside far away from the place of residence of opposite party no. 2. They have nothing to do with the present case. It is admitted that the matter in question is matrimonial in nature and the core of the dispute revolves around the husband and on whose behalf the instant application has not

been filed, unless the husband comes and sits with opposite party no. 2, there are less chances of getting the matter solve. Looking to this, the husband is allowed to participate in the mediation process. 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.

6. Accordingly, the matter is referred to Mediation & Conciliation Centre of this Court, the applicant will deposit Rs.30,000/- within three weeks at the Mediation Centre. After deposit of the aforesaid amount, office shall send a notice to the opposite party no.2 calling upon him to file counter affidavit. Out of Rs.30,000/-, Rs.25,000/- shall be payable to the opposite party no.2 on his appearance before the Mediation and Conciliation Centre and remaining Rs.5,000/- shall be payable to the Mediation and Conciliation Centre. The Mediation Centre will submit its report in the matter within three months.

7. List this case after three months along with the report of Mediation Centre.

8. Till the next date of listing, no coercive action shall be taken against the applicant in the aforesaid case.

9. If the amount, as directed above, is not deposited by the applicants within the aforesaid period, the stay order shall automatically come to an end.

(Tej Pratap Tiwari,J.)

March 16, 2026

PS