

**Court No. - 32**

**Case :-** APPLICATION U/S 482 No. - 6359 of 2018

**Applicant :-** Dr. Dilip Kumar

**Opposite Party :-** State Of U.P. And Another

**Counsel for Applicant :-** Kuldeep Saxena, Vijiit Saxena

**Counsel for Opposite Party :-** G.A.

**Hon'ble Arvind Kumar Tripathi, J.**

The present application under section 482 Cr.P.C. has been filed with the prayer to quash the charge sheet dated 17.11.2007 in Case Crime No.0001 of 2017 under sections 498A, 323, 506 I.P.C. and 3 and 4 of the Dowry Prohibition Act, 1961, PS. Mahila Thana, District Allahabad and further prayer is to stay the proceeding of aforesaid case.

Heard learned counsel for the applicant, learned AGA for the State and perused the record.

Learned counsel for the applicants submitted that due to some misunderstanding, the impugned First Information Report was filed. The marriage was performed eleven years ago. The petitioner wants settlement. There are two children from their wedlock. He further submitted that if the matter is referred to Mediation and Conciliation Centre then there is chances of compromise in between the parties.

Learned AGA opposed aforesaid prayer.

Considered the submission of counsel for the parties and nature of allegation.

In the interest of justice, and in view of the facts and circumstances, if an application is moved on behalf of applicants within 30 days from today before the court below and Rs.2,000/- is deposited in cash within three weeks from today before the court below in favour of Mediation Centre and a draft for a sum of Rs.25,000/- is deposited in favour of opposite party no.2, Dr. Manju Sagar, the matter will be referred to the mediation centre situated at district court Allahabad. The aforesaid draft in the name of opposite party no.2 shall be handed over to her on her first appearance.

Till report of the mediation centre is received, no coercive steps shall be taken against the applicants. After receiving the report/settlement of Mediation Centre, if it is found that the matter has been settled between the parties then no useful purpose would be served to continue the criminal proceedings hence the proceeding of Case Crime No.001 of 2017 under sections 498A, 323, 506 IPC and 3/4 D.P.: Act, PS. Mahila Thana

District Allahabad shall stand dropped in view of the judgement of Apex Court in case of B.S.Joshi Vs. State of Haryana 2003(4)SCC Page 675 and Ghyan Singh Vs. State of Punjab 2012(10) SCC 303 and the present order passed by this Court.

However, if mediation fails and applicant appears before the courts below within 30 days and applies for bail, it is expected that the same will be considered and disposed off expeditiously, in view of the principles laid down by Full Bench of this Court in case of Amarawati and another Vs. State of U.P., reported in 2004(57) ALR-390 and by the Apex Court in Lal Kamlendra Pratap Singh v. State of U.P. reported in 2009 (4) SCC 437.

With these observations, application filed under Section 482 Cr.P.C. is finally disposed off.

**Order Date :- 28.2.2018**

Rk