

**Court No. - 83**

**Case :-** APPLICATION U/S 482 No. - 12303 of 2022

**Applicant :-** Surendra Kumar Patel And 2 Others

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

**Counsel for Applicant :-** Bairister Singh

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

**Hon'ble Mrs. Manju Rani Chauhan,J.**

Heard Sri Vivek Singh, Advocate holding brief of Sri Bairister Singh, learned counsel for the applicants and Sri Pankaj Srivastava, learned A.G.A. for the State.

This application under Section 482 Cr.P.C. has been filed to quash the entire criminal proceedings of Criminal Case No. 892 of 2022 as well as cognizance/summoning order dated 12.10.2021 passed by Judicial Magistrate-II, Varanasi and chargesheet dated 19.02.2020 arising out of Case Crime No. 463/2019 under Sections 498-A, 323, 354, 506 I.P.C. and Sections 3/4 D.P. Act, Police Station-Manduwadeeh, District-Varanasi.

From perusal of the record, it appears that applicant no.1 is the husband of opposite party no.2 and applicant nos. 2 and 3 are family members of the husband.

Learned counsel for the applicants submits that dispute between the parties is a 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 all the parties that the matter be referred for mediation to the Mediation Centre, High Court, Allahabad.

Learned A.G.A. has no objection to this proposition.

In view of the above, the matter is referred to Mediation & Conciliation Centre of this Court. The applicants are directed to deposit a sum of Rs. 15,000/- by way of Demand Draft / pay order in the name of Registrar General A/c, Allahabad High Court Mediation & Conciliation Centre within a period of four weeks from today. After deposit of the aforesaid amount, office shall immediately send a notice to the opposite party no.2 calling upon her to file counter affidavit.

Out of Rs. 15,000/-, Rs. 10,000/- shall be payable to opposite

party no.2 only on her appearance on two dates as fixed by the Mediation and Conciliation Centre and the remaining amount of Rs.5,000/- shall be payable to the Mediation and Conciliation Centre.

It is also directed that the aforesaid mediation proceedings be completed within a period of **six months** from the date of production of a certified copy of this order.

It is, however, provided that after completion of the mediation proceedings, irrespective of the outcome, the applicant(s) shall be at liberty to file a fresh application under Section 482 Cr.P.C. alongwith mediation report for quashing of the proceedings pending against them.

For a period of **six months** from today or till completion of the mediation proceedings, whichever is earlier, no coercive action shall be taken against the applicant(s) in the aforesaid case.

It is made clear if the amount, as directed above, is not deposited by the applicant(s) within the aforesaid period, the stay order shall automatically come to an end and the Mediation Centre shall immediately inform the concerned office, who, in turn, shall send a notice to the concerned court below to proceed further, in accordance with law.

In case, the opposite party does not appear before the Mediation Centre, the money deposited by the applicant(s), payable to the opposite party as per direction of the Court, shall be returned to the applicant, on a written application made by them.

With the aforesaid directions, this application is finally ***disposed of.***

**Order Date :- 31.8.2022**

Madhurima