

(2012) 01 AHC CK 0615
In the Allahabad High Court
Case No : Application No. 41769 of 2011

Amit and Others

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

Date of Decision : 13-01-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 323, 498A, 504, 506

Citation : (2012) 01 AHC CK 0615

Hon'ble Judges : Rajesh Dayal Khare, J

Bench : Single Bench

Judgement

Hon"ble Rajesh Dayal Khare, J.—Heard Learned Counsel for the applicants and learned A.G.A. for the State-respondent. The present application has been filed for quashing the charge sheet dated 04.06.2011 filed in Criminal Case No. 1465 of 2011 arising out of Case Crime No. 75 of 2011, under Sections 498-A, 323 IPC and 3/4 Dowry Prohibition Act, PS Hafizpur, district Ghaziabad pending before the Judicial Magistrate, Ghaziabad.

2. Learned counsel for the applicants contends that opposite party No. 2 had also initiated a Complaint Case No. 1830 of 2011, under Sections 498-A, 323, 504, 506 IPC and 3/4 Dowry Prohibition Act, PS Jaracha, district Gautam Budh Nagar pending before the Additional Chief Judicial Magistrate-I, Gautam Budh Nagar, which was challenged by filing Application u/s 482 Cr.P.C. No. 39942 of 2011 and another Bench of this Court vide order dated 08.12.2011 had referred the matter to the Mediation Centre.

3. Learned counsel for the applicants further contends that the aforesaid complaint case was filed for the same alleged incident as in the present case.

4. It is prayed by the Learned Counsel for the applicants that the present matter may also be sent to the Mediation Centre to be considered alongwith Application u/s 482 Cr.P.C. No. 39942 of 2011.

5. It is submitted by Learned Counsel for the applicants that the present matter relates to a matrimonial dispute between husband and wife and the said matter can be well considered by Mediation Centre of this Court.

6. The matter is remitted to the Mediation Centre with the direction that same may be decided after giving notices to both the parties.

7. It is directed that Mediation Centre shall decide the matter expeditiously preferably within a period of three months. Thereafter the case shall be listed before appropriate Bench along with the records of Application u/s 482 Cr.P.C. No. 39942 of 2011. Till the next date of listing, further proceedings against the applicants in Criminal Case No. 1465 of 2011, under Sections 498-A, 323 I.P.C. and 3/4 Dowry Prohibition Act, Police Station Hafizpur, District Ghaziabad pending in the Court of learned Judicial Magistrate, Ghaziabad, shall be kept in abeyance.