

(2013) 03 AHC CK 0194
In the Allahabad High Court

Arendra Kumar Kanaujia and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 20-03-2013

Acts Referred:

Citation : (2013) 03 AHC CK 0194

Hon'ble Judges : Ravindra Singh, J and Anil Kumar Agarwal, J

Final Decision : Disposed Of

Judgement

Anil Kumar Agarwal, J.

Heard the learned counsel for the petitioners and the learned A.G.A.

This petition has been filed by the petitioners with a prayer to quash the F.I.R. in case crime no. 1 of 2013 under sections 498A, 323, 504 and 506 I.P.C. and 3/4 of D.P. Act P.S. Mahila Thana, district Pilibhit.

From the perusal of the F.I.R. it appears that on the basis of the allegation made therein prima facie cognizable offence is made out. There is no ground for interfering in the F.I.R. Therefore, the prayer for quashing the impugned F.I.R. is refused.

However, considering the submissions made by the learned counsel for the petitioners that this F.I.R. has been lodged on account of matrimonial dispute, the same may be settled by way of mediation, it is directed that in case both the parties appear before the I.O. within 20 days from today for the purpose of mediation, the I.O. shall proceed further in this regard also and the petitioners shall not be arrested as per view taken by the Apex Court in the case of Joginder Kumar Versus State of U.P. 1994 Cr.L.J. 1981. In case both the parties do not approach the I.O. for the purpose of mediation, or mediation fails, it shall be open to the I.O. to make their arrest. It is further directed that in case petitioners appear before the court concerned within 30 days from today and apply for bail, the same shall be heard and disposed of in view of the case of Smt. Amrawati and another Vs. State of U.P. 2005 Cr.L.J. 755, which has been

approved by the Hon''ble Apex Court in Lal Kamendra Pratap Singh Versus State of U.P. reported in 2009(4) S.C.C. 437.

With this direction, this petition is finally disposed of.