
(2012) 01 AHC CK 0715
In the Allahabad High Court
Case No : Application No. 34322 of 2009

Jaibunisha and Another

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

Date of Decision : 12-01-2012

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 0715

Hon'ble Judges : Rajesh Dayal Khare, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

Hon"ble Rajesh Dayal Khare, J.—Heard Learned Counsel for the applicants, learned A.G.A. for the State and Sri Qazi Vakil Ahamad, Learned Counsel for the opposite party No. 2. The present application under Sections 482 Cr.P.C., has been filed for quashing the proceedings arising out of Case Crime No. 44 of 2006, under Sections 498A, 323, 504, 506 I.P.C., and Section 3/4 of Dowry Prohibition Act, Police Station Mahila Thana, District Kanpur Nagar.

2. Vide earlier order of this Court dated 22.01.2010 had granted interim order on the contention of Learned Counsel for the applicants that in Criminal Misc. (482) Application No. 27280 of 2009, another Bench of this Court had granted interim order in the same case and charged Sections and the applicants are mother and father-in-law of the opposite party No. 2. It was further directed that the present case be listed along with records of Criminal Misc. (482) Application No. 27280 of 2009. The aforesaid Criminal Misc. (482) Application No. 27280 of 2009, has been finally disposed of by another Bench of this Court vide its order dated 17.02.2010 by taking note of the fact that the opposite party No. 2 had stated before the Court that it is difficult for her to live with her husband because he has solemnised second marriage, therefore, the Criminal Misc. (482) Application

No. 27280 of 2009 was disposed of with the direction that the bail application of the husband may be considered in view of direction as contained in the said order.

3. Qazi Vakil Ahmad, Learned Counsel for the opposite party No. 2 contends that in the matter of husband, the opposite party No. 2 had specifically stated that she cannot live with her husband as he has solemnised second marriage, therefore, there are no chances of re-conciliation between the parties.

4. Learned counsel for the applicants contends that the applicants are mother-in-law and father-in-law, therefore, there are chances of settlement between them and the matter may be referred to mediation centre of this Court.

5. After hearing the Learned Counsel for the parties, the present application u/s 482 Cr.P.C., is disposed of with the direction to the applicants to move an appropriate application as per law, before learned Metropolitan Magistrate, IIIrd, District Kanpur Nagar for referring the matter before local mediation centre and if such application is moved within 15 days from today, the same shall be considered and disposed by the concerned court below within 15 days thereafter, and if the matter is referred to local mediation, the same shall be considered and disposed within the time specified by the concerned court below, thereafter, appropriate order be passed by the concerned court below. The entire exercise should be completed within six months from today.

6. For a period of six months from today or till the disposal of the aforesaid proceedings whichever is earlier, coercive action against the applicants shall be kept in abeyance. However, in case, the applicants fails to move such application within the aforesaid time, protection granted by this Court shall automatically stands vacated.