
(2011) 06 AHC CK 0067
In the Allahabad High Court
Case No : Miscellaneous Bench No. 6149 of 2011

Manish Jain

APPELLANT

Vs

State of U.P., Thru.Secretary, Home & Others

RESPONDENT

Date of Decision : 22-06-2011

Acts Referred:

Constitution of India, 1950 — Article 226
Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 323, 498A, 504, 506

Citation : (2011) 06 AHC CK 0067

Hon'ble Judges : Shabihul Hasnain, J and Vedpal, J

Final Decision : Disposed Of

Judgement

Shabihul Hasnain and Vedpal, JJ.—Heard learned counsel for the petitioner and learned A.G.A.

2. This petition under Article 226 of the Constitution of India has been filed by the petitioner for quashing the impugned FIR registered as Case Crime No. 241 of 2011 under Sections 498A, 323, 504, 506 I.P.C. and 3/4 D. P. Act, Police Station Krishna Nagar, District Lucknow and also for direction to the opposite parties not to arrest the petitioner in pursuance of the said impugned F.I.R.

3. Learned counsel for the petitioner contends that the dispute between the parties is of matrimonial in nature. There is most likelihood that the dispute may be resolved between the petitioner and opposite party no.3 Smt. Versha Jain, who are husband and wife, through mediation. Learned counsel for the petitioner, therefore, requests that matter be referred to the Mediation and Conciliation Centre.

4. In view of the submission of the learned counsel for the petitioner, the petitioner is directed to deposit Rs.10,000 (ten thousand) within a week from today. Out of the amount so deposited, Rs.8,000/ (eight thousand) will be paid to the opposite party no.3 Smt. Versha Jain and rest of the amount of Rs.2,000/ (two thousand) will be paid to the Mediation and Conciliation Centre.

5. Issue notice to opposite party no. 3 Smt. Versha Jain to appear before this Court on 25.7.2011 to apprise the Court as to whether she is agreeable in referring the dispute to the Mediation and Conciliation Centre. Steps may be taken within a week.

6. List this case on 25.7.2011. On that date, the opposite party no.3 shall also appear before this Court.

7. Till then, the petitioner shall not be arrested in the aforesaid case crime number. However, investigation of the case will go on and the petitioner will cooperate with the investigation.

8. However, in case the petitioner fails to deposit the amount as mentioned above, he shall not be entitled for any interim protection.