

(2011) 06 AHC CK 0136
In the Allahabad High Court

Praveen Maheshwari and Another	Vs	APPELLANT
State of U.P.and Others		RESPONDENT

Date of Decision : 30-06-2011

Acts Referred:

Citation : (2011) 06 AHC CK 0136

Hon'ble Judges : Sheo Kumar Singh, J and Rajesh Chandra, J

Final Decision : Disposed Of

Judgement

Sheo Kumar Singh and Rajesh Chandra, JJ.

1. Heard learned counsel for the petitioners and learned Additional Government Advocate.
2. This writ petition has been filed for quashing of an first information report in case crime no. 1711 of 2011, under Sections 498A, 323, 506 I.P.C. and 3/4 Dowry Prohibition Act, Police Station Mahila Thana Sector 39 Noida, District Gautam Budh Nagar.
3. The writ Court is not competent to go into questions of facts and on the allegations, it cannot be said that no prima facie case is disclosed.
4. Hence, the first information report cannot be quashed by this Court at this stage.
5. However, in view of the contention of the counsel for the petitioners that dispute can be settled amicably between the parties, it is provided that if the petitioners appear before the Magistrate concerned within three weeks from today, the Magistrate concerned shall release the petitioners on interim bail, the Magistrate concerned shall himself or through any agency existing for mediation/ conciliation or counseling in the district send the matter for mediation/ conciliation or counseling and in case the matter is amicably resolved in the said proceedings, the investigating agency and the court concerned may take a decision as to whether final report may be submitted or appropriate orders be

passed in the criminal proceedings. The mediating agency shall inform the factum of success or failure of the mediation within one week of conclusion of the mediation/conciliation proceedings. In case the matter could not be resolved in the mediation proceedings, the court concerned may consider the matter of final bail on merits in accordance with law.

6. For a period of three weeks from today or till the petitioners appear/surrender before the Court below and apply for bail (whichever is earlier), the petitioners shall not be arrested in the aforesaid case.

7. It is made clear that if the petitioners fail to appear before the Court concerned for the purpose of applying for bail within the time allowed, no further extension will be given.

8. With the aforesaid observations, this petition is disposed of.