
(2010) 01 AHC CK 0195
In the Allahabad High Court

Rajkali and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 04-01-2010

Acts Referred:

Citation : (2010) 01 AHC CK 0195

Hon'ble Judges : Imtiyaz Murtaza, J and Shri Kant Tripathi, J

Judgement

Shri Kant Tripathi, J.

Heard learned counsel for the petitioners and also learned A.G.A. appearing for the State.

1. The argument substantially is that fraught relation emanating from matrimonial bickering escalated into launching of criminal proceeding vide F.I.R. which was registered at case crime No. 890 of 2009 under sections 498A, 323 IPC and section 3/4 of the Dowry Prohibition Act, P.S Charthawal, District Muzaffar Nagar.

2. Having considered the arguments advanced across the bar, we have a feeling that Court owes a duty to the society to strain to the utmost to repair the frayed relations between the parties so that the wounded situation may be healed into a healthy rapprochement. The matter in hand also appears to be one of those cases in which reconciliation should be tried between the disputing parties.

3. While referring the matter to Mediation Centre with the consent of the petitioners, it is directed that Petitioners shall deposit a sum of Rs. 5000/ with the Mediation Centre by way of Bank draft drawn in favour of Opp party no.4. The Bank draft aforesaid, it is further directed, shall be handed over to the Opp party No. 4 on her appearing before the Mediation Centre on the date fixed. The amount aforesaid, it may be clarified, are meant to meet expenses to be incurred for attending mediation sessions at Allahabad for the Opp. Party no. 4 and the person escorting her.

4. The office upon deposit of the Bank draft shall issue notice within one week to respondent no. 4 ? i.e the wife calling upon her to appear in the Mediation Centre at Allahabad High Court on a date to be indicated in the said notice stating therein that the Bank draft deposited by the petitioner shall be delivered to her whenever she appears in the Mediation centre on the date fixed. The said notice shall be served upon the respondent no.4 through C.J.M concerned. It needs hardly be said that both the parties shall appear either on the date fixed or on a future date as may be agreed before the Mediation Centre for reconciliation.
5. The centre shall submit a report within one month from the date of parties appearing before it for reconciliation. The case shall be listed in the second week of March 2010 alongwith report of Mediation Centre.
6. In the meanwhile, the arrest of the petitioners in the aforesaid case shall remain stayed.
7. It may made clear that in case, there occurs default by the husband either in depositing the amount or in appearing before the Mediation Centre on the date or dates fixed, the interim order staying arrest shall cease to be operative and the Mediation Centre shall immediately communicate with the office which in turn shall list the case within a week before the Bench concerned for passing appropriate order in the matter.
8. It may be clarified that the case will not be treated as tied up to this Bench shall be listed before the appropriate Bench.
9. Copy of this order will not be issued unless steps are taken.