
(2013) 06 AHC CK 0042
In the Allahabad High Court

Rajwati and Others

APPELLANT

Vs

State of U.P.and Others

RESPONDENT

Date of Decision : 26-06-2013

Acts Referred:

Citation : (2013) 06 AHC CK 0042

Hon'ble Judges : Rakesh Tiwari, J and Karuna Nand Bajpayee, J

Final Decision : Disposed Of

Judgement

Rakesh Tiwari, Karuna Nand Bajpayee, J.—This writ petition has been filed by petitioners Smt. Rajwati, Sunil Kumar, Anil Kumar, Sanjeev Kumar, and Smt. Amita Devi for quashing of an FIR in case crime no. 268 of 2013, under Sections 498A, 323 and 506 IPC and 3/4 Dowry Prohibition Act, registered at P.S. Jhinhana, District Shamli.

2. Heard learned counsel for the petitioners, the learned Additional Government Advocate and perused the record.

3. This Court exercising the writ jurisdiction is not inclined to go into the disputed questions of rival facts and on the allegations, it cannot be said that no prima facie case is disclosed, hence the FIR cannot be quashed by this Court at this stage.

4. However, in view of the contention of the counsel for the petitioners that the dispute can be settled amicably between the parties and the petitioners are ready to deposit expenses for the mediation, it is provided that if the petitioners deposit Rs.10,000/ before the Court concerned within two weeks from today, out of this amount half shall be given to Smt. Shakshi alias Samod daughter of Sri Laxmi Chand on her appearance before the mediating agency at the initial stage and the balance amount will be paid to her after conclusion of the mediation proceedings, irrespective of whether the mediation proceedings are successful or not. After deposit of the aforesaid amount before the Court concerned, if the petitioners appear before the Magistrate concerned within three weeks from

today, the concerned Magistrate shall release the petitioners on interim bail on their furnishing personal bonds. After releasing 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 respectively may take a decision as to whether a final report may be submitted or any other appropriate legal orders be passed in the criminal proceedings. The mediating agency shall inform the Court concerned of 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.

5. The mediation proceedings should be concluded within a period not exceeding three months from the date of initiation of the proceedings. However, if for any unforeseeable reasons it become imperative to seek extension of time for concluding the mediation proceedings, the concerned Magistrate supervising the mediation proceedings shall be empowered to grant such extension of time as he deems fit and proper.

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 crime.

7. In the light of above observations, the petition is disposed of.