

(2011) 03 AHC CK 0187
In the Allahabad High Court

Sheetal and Others

APPELLANT

Vs

State of U.P.And Another

RESPONDENT

Date of Decision : 30-03-2011

Acts Referred:

Citation : (2011) 03 AHC CK 0187

Hon'ble Judges : Rajesh Dayal Khare, J

Final Decision : Allowed

Judgement

Rajesh Dayal Khare,J.

Heard learned counsel for the applicants and learned A.G.A. for the Staterespondent.

It is contended by learned counsel for the applicants that the applicant No. 1 had lodged the first information report against her husband and opposite party No. 2 under sections 498A, 323, 506 IPC and 3/4 of D.P. Act, in which charge sheet has been filed.

It is further contended by learned counsel for the applicants that the proceeding under section 125 Cr.P.C. had also been initiated by the applicant No. 1 against her husband and the husband of the applicant No. 1 has filed a suit under section 9 of the Hindu Marriage Act in the Court of Civil Judge (Senior Division), Gautam Budh Nagar in which the applicant No. 1 had filed a Transfer Application No. 200 of 2010, under section 24 C.P.C. before this Court and this Court has referred the matter to the Mediation Centre.

It is also contended by learned counsel for the applicants that the opposite party No. 2 has initiated the present proceeding against the applicants, which is bad in law.

As prayed by learned counsel for the applicants that the present matter may be sent to the Mediation Centre for considereration along with Transfer Application No. 200 of 2010.

The matter is remitted to the Mediation Centre with the direction that same may be decided after giving notices to both the parties.

It is directed that Mediation Centre shall decide the matter expeditiously preferably within a period of three months. Thereafter the case shall be listed before appropriate Bench on 24.06.2011.

Till the next date of listing, further proceedings against the applicants in Complaint Case No. 15156 of 2010, under Sections 147, 148, 149, 323, 452, 504, 506 IPC, Police Station Dankaur, District Gautam Budh Nagar pending in the Court of learned Additional Chief Judicial MagistrateIII, Gautam Budh Nagar shall be kept in abeyance.