

# **Sikandar And 3 Others vs State Of U.P. And Another on 1 May, 2025**

HIGH COURT OF JUDICATURE AT ALLAHABAD

[Neutral Citation No. - 2025:AHC:69448

Court No. - 73

Case :- APPLICATION U/S 482 No. - 44177 of 2023 (leading application)

Applicant :- Sikandar And 3 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Ashish Goyal,Ullash Pandey

Counsel for Opposite Party :- Dinesh Kumar Singh,G.A.

connected with

Case :- APPLICATION U/S 482 No. - 45666 of 2023 (connected C1 application)

Applicant :- Sikandar

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Alok Kumar Shukla,Ashish Goyal

Counsel for Opposite Party :- G.A.

connected with

Case :- APPLICATION U/S 482 No. - 7357 of 2024 (connected C2 application)

Applicant :- Sikandar

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Ashish Goyal

Counsel for Opposite Party :- Dinesh Kumar Singh,G.A.

Hon'ble Vikas Budhwar,J.

1. Heard Sri Ashish Goyal, learned counsel for the applicants and Sri S.K. Singh, learned State Law Officer for the State and Sri Dinesh Kumar Singh, who appears for the opposite party no.2.

2. The leading application has been preferred by the applicant no.1 is the husband, applicant no.2 is the father-in-law, applicant no.3 is the mother-in-law and applicant no.4 is the jeth and the relief sought herein is as under :

"To allow the application and quash the entire criminal proceeding of Case No.1237 of 2023 (Smt. Rashmi Vs. Sikandar and others), under Sections 12, 18, 19, 20, 21 and 22 of Protection of Women from Domestic Violence Act, 2005, Police Station Highway, District Mathura pending before the Court of Judicial Magistrate-VII, Mathura and to stay the further proceeding."

3. In the said application, this Court on 04.12.2023 proceeded to pass the following orders :

"1. Heard learned counsel for the applicants, learned counsel for the opposite party no.2 and learned A.G.A. for the State.

2. This instant application under Section 482 Cr.P.C, has been filed by the applicants with the prayer to quash the entire criminal proceeding of Case No. 1237 of 2023, (Smt. Rashmi Vs. Sikandar and Others), under Sections 12, 18, 19, 20, 21 and 22 of Protection of Women from Domestic Violence Act, 2005. P.S. Goverdhan, District Mathura.

3. It is submitted by learned counsel for the applicants that the present matter may be amicably settled by way of mediation and conciliation, therefore, the matter may be referred to the Mediation and Conciliation Centre of this Court.

4. Issue notice to the opposite party no. 2, returnable at an early date. Steps may be taken within a week.

5. In view of the above, it is directed that applicants shall deposit a sum of Rs. 10,000/- within two weeks from today with the Mediation Centre of this Court out of which Rs. 5,000/- shall be paid to the opposite party no. 2, on the date fixed, for his appearance before the Mediation Centre and Rs. 5000/- be retained by the Mediation

Centre as mediation fee.

6. The matter is remitted to the Mediation Centre with the direction that after deposit of such amount, by the applicants, it shall issue notice to the parties fixing some date for mediation and shall make all possible efforts to conclude the mediation and conciliation proceedings expeditiously, preferably within a period of two months.

7. List this case after three months before the appropriate Bench along with report of mediation centre.

8. Till the next date of listing, entire criminal proceeding of Case No. 1237 of 2023, (Smt. Rashmi Vs. Sikandar and Others), under Sections 12, 18, 19, 20, 21 and 22 of Protection of Women from Domestic Violence Act, 2005. P.S. Goverdhan, District Mathura, shall remain stayed against the applicants.

9. It is made clear that in case there occurs default by the applicants either in depositing the amount or in appearing before the Mediation Centre on the date fixed, the interim order shall cease to operate and the Mediation Centre shall immediately communicate with the office which in turn shall list the case within a week before the appropriate Bench for passing orders in the matter."

4. As regards, the connected C1 application is concerned, the same has been preferred by the husband against the wife wherein, challenge has been raised to allow this application and quash the entire criminal proceeding of Case No.354/XI of 2023 (Smt. Rashmi Vs. Sikandar), under Section 125 Cr.P.C., Police Station Highway, District Mathura, pending before the Court of Principal Judge, Family Court, Mathura and stay the further proceeding.

5. The said application by virtue of the order dated 16.01.2024 was connected with the leading application.

6. As regards the connected C2 application is concerned, the same has been preferred by the husband against the wife wherein the following has been challenged to allow the application and quash the impugned cognizance order dated 06.02.2024, passed by Chief Judicial Magistrate, Mathura as well as entire criminal proceedings of Case No.2452 of 2024 (State vs. Sikandar), arising out of Case Crime No.718 of 2022, under Sections 323, 498A, 506 I.P.C. and Section 3/4 D.P. Act, Police Station Highway, District Mathura, pending before the court of Chief Judicial Magistrate, Mathura and stay the further proceeding.

7. In the said application, this Court on 07.03.2024 proceeded to pass the following orders :

"1. Heard learned counsel for the applicant and learned AGA for the State.

2. This application under Section 482 Cr.P.C. has been filed by the applicant for quashing the impugned cognizance order dated 06.02.2024, passed by Chief Judicial

Magistrate, Mathura, as well as entire criminal proceedings of case no. 2452 of 2024 (State Versus Sikandar), arising out of Case Crime No. 718 of 2022, under sections 323, 498-A, 506 I.P.C. and 3/4 D.P. Act, Police Station Highway, District Mathura, pending before the Chief Judicial Magistrate Mathura.

3. Learned counsel for the applicant submits that in the proceedings challenging the Domestic Violence Act in Application U/S 482 No. 44177 of 2023 the matter has been referred to the Mediation and Conciliation Centre. The applicant has deposited the amount before the Mediation Centre of this Court. The present case arises out of a matrimonial dispute and as such may be connected with the Application U/S 482 No. 44177 of 2023.

4. List and connect with Application U/S 482 No. 44177 of 2023.

5. Issue notice to the opposite party no. 2.

6. Till the next date of listing, further proceedings in the aforesaid case shall remain stayed."

8. The Court finds that pursuant to the order dated 04.12.2023 in the leading application, the matter should refer to mediation and as per the office report dated 01.05.2025 pursuant to the order dated 28.04.2025, there happens to be an Annexure- E, Form-5 report to Court containing Allahabad High Court Mediation and Conciliation Centre Settlement Agreement dated 13.08.2024, para 7 whereof is being quoted herein :

"7. In view of the Interim Settlement dated 23.07.2024, the following settlement has been arrived at between the Parties hereto:-

a. That in view of the interim settlement dated 23.07.2024, the parties have mutually decided to live separately and dissolve their marriage and pursuant to the same they have filed a petition under Section 13-B of the Hindu Marriage Act before the Principal Judge, Family Court, Mathura, which is registered as Matrimonial Case No. 1061/2024. The certified copy of aforesaid divorce petition along with the order-sheet is being annexed to this settlement for kind perusal of the Hon'ble Court. Parties agree that they shall not resile from the settlement/ divorce petition in any manner whatsoever and take is to its logical conclusion without causing unnecessary impediment.

b. That it has been agreed between the parties that in full and final settlement of all financial claims of the wife that may accrue against the husband or his family members, she shall be paid a permanent alimony including Stridhan to the tune of Rs.11,00,000/- (Rs. Eleven Lakh Only). After receiving this amount she shall not stake any claim of any nature whatsoever in the property of the husband or her in-laws and she also agrees that she shall not claim any further financial assistance

from the husband. The aforesaid amount shall be paid through the demand drafts drawn in her favor in installments.

c. That in view of paragraph 7 (c) of the Interim Settlement dated 23.07.2024, the husband had produced a demand draft bearing no. 619389 dated 20.07.2024 drawn on Bank of Baroda of Rs.5,50,000/- (Rs. Five Lakh Fifty thousand Only) issued in favour of Rashmi Singh (wife), and the same is being handed over to the O.P. No.2-wife today i.e. 13.08.2024, and she has acknowledged the receipt of the same.

d. That it has been agreed between the parties that the remaining amount i.e. Rs.5,50,000/- (Rs. Five Lakh Fifty thousand Only) shall be paid by Sikandar (Applicant No.1-husband) to Smt. Rashmi (O. P. No.2-wife) at the time of final judgment before the Family Court, Mathura by way of demand draft of a nationalized bank.

e. That the parties agreed that all the litigation (if any) initiated by each other against them or their family members shall be withdrawn, set-aside or got quashed in terms of this settlement and they agree not to litigate with regard to the present matrimony in future in any manner whatsoever.

f. That this settlement had been read over and explained to the parties in Hindi in presence of their respective counsels, thereafter, they have signed the settlement."

9. Learned counsel for the applicants submits that once the parties have themselves mediated have arrived into settlement before the Allahabad High Court Mediation Centre and the total monetary consideration stand settled between the parties and a joint petition under Section 13-B of the Hindu Marriage Act has been filed and further in paragraph 7-e other proceedings which are pending before the competent court are liable to be withdrawn.

10. Sri Dinesh Kumar, learned counsel for the applicants submits that once settlement between the parties in Case No.1237 of 2023 (Smt. Rashmi Vs. Sikandar and others) under Sections 12, 18, 19, 20, 21 and 22 of the Protection of Women from Domestic Violence Act, 2005 a final statement has been arrived on 13.08.2024 before the Allahabad High Court Mediation Centre, the proceedings in the said case be quashed. However, the opposite party no.2 along with the applicant herein shall be filing compromise application before the court below in the proceedings under Section 125 Cr.P.C., Police Station Highway, District Mathura, being Case No.354/XI of 2023 (Smt. Rashmi vs. Sikandar) before the court of Principal Judge, Family Court, Mathura and also in the proceedings in case No.2452 of 2024 (State vs. Sikandar) arising out of Case Crime No.718 of 2022, under Section 323, 498A, 506 IPC read with Section 3/4 D.P Act, Police Station Highway, District Mathura, pending before the court of Chief Judicial Magistrate, Mathura.

11. Learned AGA has no objections to the same.

12. Considering the submissions so made across the bar, the applications are decided in the following manner:

a) the proceedings in Case No.1237 of 2023 (Smt. Rashmi vs. Sikandar and others) under Section 12, 18, 19, 20, 21, 22 of the Protection of Woman from Domestic Violence Act, 2005, Police Station Highway, District Mathura pending in the court of Judicial Magistrate VII, Mathura is set aside;

b) In so far as the proceedings in Case Crime No.354/XI of 2023 (Smt. Rashmi vs. Sikandar), under Section 125 Cr.P.C., Police Station Highway, District Mathura, pending before the court of Principal Judge, Family Court, Mathura and the proceedings in Case No.2452 of 2024 (State vs. Sikandar) arising out of Case Crime No.718 of 2022, under Sections 323, 498A, 506 IPC and Section 3/4 D.P. Act, Police Station Highway, District Mathura, pending before the court of Chief Judicial Magistrate, Mathura, the parties shall file their respective compromise applications before the court below by 23.05.2025 and the court below shall under take to proceed with the compromise and conclude the same with most expedition. Till the compromise is verified, no coercive action shall be taken against the applicants in respect of the aforesaid cases.

13. The present application stands disposed of.

Order Date :- 1.5.2025 Priya (Vikas Budhwar, J.)