

Mohammad Maqsood Khan And Another vs State Of U.P. Thru. Prin. Secy. Home ... on 1 May, 2025

Author: Manish Kumar

Bench: Manish Kumar

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:25237

Court No. - 14

Case :- APPLICATION U/S 482 No. - 7909 of 2023

Applicant :- Mohammad Maqsood Khan And Another

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. U.P. Govt. Lko. And Another

Counsel for Applicant :- Mohd. Waris Farooqui

Counsel for Opposite Party :- G.A.

Hon'ble Manish Kumar,J.

Shri Uma Kant Verma, Advocate has filed his vakalatnama on behalf of respondent no. 2, which is taken on record.

Smt. Firdaus Khatoon, respondent no. 2 is present before this Court.

Heard learned counsel for the applicant, learned AGA for the State of U.P. and Shri Uma Kant Verma, learned counsel for the respondent no. 2.

The present application has been filed by the applicants for the following main relief(s):-

"WHEREFORE, it is most respectfully prayed that this Hon'ble Court may very graciously be pleased to quash/ set-aside the impugned summoning order dated & 08.5.2023, passed by Civil Judge (Junior Division) /F.T.C (Women), Bahraich, under Sections 498-A, 323, 504 and 506 IPC and 3/4 of the Dowry Prohibition Act, 1961, and the impugned Chargesheet No.01 of 2023 related to Case Crime No.0023 of 2023, including the whole proceedings of F.I.R.No. 0023 of 2023, Police Station Mahila Thana, District Bahraich, pending in the Court of Civil Judge (Junior Division) / F.T.C (Women, Bahraich; as contained in Annexures Nos.1 and 2 respectively to this petition; or may pass such other order or direction, which this Hon'ble Court may deem just and proper in the circumstances of the case in the favour of the applicants/petitioners. "

It appears that on the basis of the submissions made by the learned counsel for the applicants, this Court vide its order dated 11.08.2023 referred the matter to Mediation Centre of this Court so as to carve out possibility of amicable settlement of dispute between the parties. The same is quoted hereinbelow:-

"Heard learned counsel for the applicants, Shri Anirudh Kumar Singh, learned A.G.A.-I for the State and perused the record.

Instant application under section 482 Cr.P.C. has been filed with the prayer to quash/aside the impugned summoning order dated 08-05-2023, passed by the Civil Judge(Junior Division)/F.T.C.(Women), Bahraich, under sections 498-A,323,504 and 506 I.P.C. and Section 3/4 of the Dowry Prohibition Act, 1961, and the impugned Chargesheet no. 01 of 2023, related to Case Crime No. 0023 of 2023, including the whole proceedings of FIR No. 0023 of 2023, Police Station-Mahila Thana, District-Bahraich, pending in the court of Civil Judge(Junior Division)/FTC(Women), Bahraich.

Learned counsel appearing for the applicants submits that this is purely a dispute civil in nature as there is a matrimonial dispute between the husband and the wife and due to which the instant FIR has been lodged and criminal proceedings have been initiated against the applicants. He further added that there is all possibility of compromise between the parties and this matter may be referred to Mediation and Conciliation Centre of this Court.

Learned A.G.A. appearing for the State has no objection to the contentions aforesaid.

The matter is remitted to the Mediation and Conciliation Centre of this court and it is directed that applicants shall deposit a sum of Rs.20,000/- within two weeks from today with the Mediation Centre of this Court out of which Rs.15,000/- shall be paid to the opposite party no.2, on her first appearance before the Mediation Centre and Rs. 5000/- shall be retained by the Mediation Centre as mediation fee.

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 three months.

List after expiry of aforesaid period before the appropriate Bench along with the report of Mediation Centre.

Till the next date of listing, further proceedings initiated in pursuance of summoning order dated 08-05-2023, passed by the Civil Judge(Junior Division)/F.T.C.(Women), Bahraich, under sections 498-A,323,504 and 506 I.P.C. and Section 3/4 of the Dowry Prohibition Act, 1961, and the impugned Chargesheet no. 01 of 2023, related to Case Crime No. 0023 of 2023, including the whole proceedings of FIR No. 0023 of 2023, Police Station-Mahila Thana, District-Bahraich, pending in the court of Civil Judge(Junior Division)/FTC(Women), Bahraich, shall remain stayed so far as the applicants are concerned.

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. "

It also appears that in compliance of order of this Court dated 11.08.2023, the applicant no. 1 and respondent no. 2 had appeared before the Mediation and Conciliation Centre of this Court and a SETTLEMENT AGREEMENT has entered into between applicant/husband and opposite party No. 2/wife on 05.01.2024. The Mediation and Conciliation Centre has sent its report along with the settlement agreement, which is on the record.

Considering the aforesaid as also the submissions made by learned Counsel for the parties as also the observations made by Apex Court in the case of State of Karnataka Vs. L. Muniswamy and Others, 1977 (2) SCC 699; State of Haryana Vs. Bhajan Lal and Others, 1992 Supp (1) SCC 335; Prashant Bharti Vs. State (NCT of Delhi), (2013) 9 SCC 293; Rajiv Thapar and Ors. Vs. Madan Lal Kapoor, (2013) 3 SCC 330; Ahmad Ali Quraishi and Ors. Vs. State of Uttar Pradesh and Ors. (2020) 13 SCC 435, according to which inherent power under Section 482 Cr.P.C. (akin to Section 528 BNSS, 2023) could be exercised to prevent abuse of process of any Court or otherwise to secure ends of justice, as also the observations made by Apex Court in the case of Ramgopal and others Vs. State of Madhya Pradesh, (2022) 14 SCC 531, Gian Singh Vs. State of Punjab [2012 10 SCC 303], Mohd. Ibrahim Vs. State of U.P., 2022 SCC Online ALL 106, Gold Quest International Ltd. Vs. State of Tamilnadu, 2014 (15) SCC 235, B.S. Joshi Vs. State of Haryana, 2003 (4) SCC 675, Jitendra Raghuvanshi Vs. Babita Raghuvanshi, 2013(4) SCC 58, Madhavarao Jiwajirao Scindia Vs. Sambhajirao Chandrojirao Angre, 1988 1 SCC 692, Nikhil Merchant Vs. C.B.I. and another, 2008(9) SCC 677, Manoj Sharma Vs. State and others, 2008(16) SCC 1, State of M.P. Vs. Laxmi Narayan and others, 2019(5) SCC 688, Narindra Singh and others Vs. State of Punjab and another, (2014) 6 SCC

466, Manoj Kumar and others Vs. State of U.P and others (2008) 8 SCC 781, Union Carbide Corporation and others Vs. Union of India and others (1991) 4 SCC 584, Manohar Lal Sharma Vs. Principal Secretary and others (2014) 2 SCC 532 and Supreme Court Bar Association Vs. Union of India (1998) 4 SCC 409, according to which, in given facts, based upon the settlement entered into between the parties before the Mediation and Conciliation Center of this Court, the criminal proceedings can be quashed, as also the nature of dispute/crime, this Court is of the view that the present application is liable to be allowed as chances of ultimate conviction are extremely bleak and hence no useful purpose would be served by allowing the criminal proceedings to continue.

Accordingly, present application is allowed. Consequently, the entire proceedings, quoted above, are hereby quashed as far as it is related to the the applicant.

Office/Registry is directed to send the copy of this order to the court concerned through email/fax for necessary compliance.

Order Date :- 1.5.2025 Ashish