

Allahabad High Court

Mahendra Nath Pandey vs State Of U.P.And Another on 13 January, 2010

Court No. - 45

Case :- APPLICATION U/S 482 No. - 33941 of 2009

Petitioner :- Mahendra Nath Pandey

Respondent :- State Of U.P.And Another

Petitioner Counsel :- Manoj Chaudhary

Respondent Counsel :- Govt. Advocate

Hon'ble Vijay Kumar Verma,J.

Heard learned counsel for the applicant and A.G.A.

The applicant has invoked the inherent jurisdiction of this Court under Section 482 Cr.P.C. of the Code of Criminal Procedure (in short, 'the Cr.P.C.') to quash the proceedings of Case No. 2966 of 2008, (U.P. Boaring Vs. Mahendra Nath & others) under Sections 138 N.I. Act, P. S. Cantt, District Varanasi.

The applicants' counsel has made a request that the matter be referred to the High Court Mediation Centre for reconciliation, as there are chances to settle the dispute.

The matter is, therefore, with the consent of the applicant referred to the Mediation Centre, Allahabad High Court. The applicant will deposit Rs. 5,000/-, within three weeks before the Mediation Centre by bank draft in the name of U.P. Boaring payable at Varanasi and Rs. 1,000/- will be deposited in the Mediation Centre within the aforesaid period. The said bank draft shall be handed over to he on her appearing before the Mediation Centre towards her expenses for attending mediation sessions.

The Registry will send a notice through the CJM concerned within a week fixing 05.04.2010 for appearance of the opposite party no.2 before the Mediation Centre at Allahabad High Court and it shall be mentioned in the notice that the bank draft of Rs. 5,000/- deposited by the applicant shall be handed over to opposite party no.2 when he appears before the Centre. On that date, and on any future dates as directed by the Centre, the parties aforesaid will appear before the Centre.

The Registry will send information of this order to the Mediation Centre within a week.

The centre shall submit a report to this Court within one month from the date of appearance of the parties before it.

In case of any default by the applicant in making the appearances before the Mediation Centre on the dates fixed or making the aforesaid payment as directed above, the stay granted by this order shall stand automatically vacated forthwith.

Let this case be listed on 4.5.2010 along with the report of the Mediation Centre.

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

In case there is any default by the applicant as above, the Mediation Centre should immediately communicate this fact to the office and office will list the case within a week before the Bench concerned, which may pass order for vacation of the order.

On the next date, the case will not be treated as tied up to this Bench and shall be listed before the appropriate Bench.

Copy of this order will not be issued unless steps are taken.

Order Date :- 13.1.2010 AHN