

Hemant Sharma and Others. Vs. State of U.P. and Others.

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Court : Allahabad

Decided On : Jul-03-2010

Judge : Imtiyaz Murtaza ; Naheed Ara Moonis, J.J.

Acts : [Dowry Prohibition Act, 1961](#) - Sections 3, 4 ; Indian Penal Code,(IPC) 1860, Sections 498A, 323, 504, 506, 313 ;

Appeal No. : CRIMINAL MISC. WRIT PETITION No. - 11639 of 2010.

Appellant : Hemant Sharma and Others.

Respondent : State of U.P. and Others.

Advocate for Def. : Govt. Adv.

Advocate for Pet/Ap. : Akhilesh Singh, Adv.

Judgement :

1. Heard learned counsel for the petitioners and also learned A.G.A. appearing for the State.
2. The argument substantially is that fraught relation emanating from matrimonial bickering escalated into launching of criminal proceeding vide F.I.R. which was registered at case crime No.288 of 2010, under Sections 498A,323,504,506 and 313 IPC and 3/4 of D.P.Act, P.S.Kachhwa,, District Mirzapur.

3. Having considered the arguments advanced across the bar, we have a feeling that Court owes a duty to the society to strain to the utmost to repair the frayed relations between the parties so that the wounded situation may be healed into a healthy rapprochement. The matter in hand also appears to be one of those cases in which reconciliation should be tried between the disputing parties.

4. While referring the matter to Mediation Centre with the consent of the petitioners, it is directed that petitioner No.1 shall deposit a sum of Rs. 10,000/- with the Mediation Centre by way of Bank draft drawn in favour of Mediation Centre, High Court Allahabad out of which a sum of Rs. 7,000/- shall be payable to the Opp party no.4 and the remaining amount shall be kept for being utilised by the Mediation Centre. The amount aforesaid, it is further directed, shall be paid over to the Opp party No.4 on her appearing before the Mediation Centre on the date fixed. The amount aforesaid, it may be clarified, are meant to meet expenses to be incurred for attending mediation sessions at Allahabad for the Opp. Party no.4 and the person escorting her.

5. The office upon deposit of the Bank draft shall issue notice within one week to respondent no.4 i.e the wife calling upon her to appear in the Mediation Centre at Allahabad High Court on a date to be indicated in the said notice stating therein that the Bank draft deposited by the petitioner shall be delivered in the Mediation centre on the date fixed. The said notice shall be served upon the respondent no.4 through C.J.M concerned. It needs hardly be said that both the parties shall appear either on the date fixed or on a future date as may be agreed before the Mediation Centre for reconciliation. The centre shall submit a report within one month from the date of parties appearing before it for reconciliation. The case shall be listed in the second week of September, 2010 alongwith report of MediationCentre. In the meanwhile, the arrest of the petitioners in the aforesaid case shall remain stayed.

6. It may be made clear that in case, there occurs default by the petitioner either in depositing the amount or in appearing before the Mediation Centre on the date or dates fixed, the interim order staying arrest shall cease to be operative and the Mediation Centre shall immediately communicate with the office which in turn shall

list the case within a week before the Bench concerned for passing appropriate order in the matter. It may be clarified that the case will not be treated as tied up to this Bench shall be listed before the appropriate Bench. Copy of this order will not be issued unless steps are taken.

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