

Vivek Malwa Vs. State of Uttar Pradesh (U.P.). and ors.

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Court : Allahabad

Decided On : Aug-02-2010

Judge : Imtiyaz Murtaza; Naheed Ara Moonis, JJ.

Acts : Indian Penal Code (IPC) - Sections 498-A, 452, 323, 504, 506, 307, 406;
Dowry Prohibition Act - Sections 3, 4

Appeal No. : CRIMINAL MISC. WRIT PETITION No. - 13852 of 2010

Appellant : Vivek Malwa.

Respondent : State of Uttar Pradesh (U.P.). and ors.

Advocate for Pet/Ap. : Arvind Mishra, Adv.

Judgement :

1. Heard learned counsel for the petitioners and also learned Additional Government Advocate.
2. The argument substantially is that fraught relation emanating from matrimonial bickering escalated into launching of criminal proceeding vide Case Crime No.362 of 2010 under Sections 498-A, 452, 323, 504, 506, 307 and 406 I.P.C. and Section 3/4 of Dowry Prohibition Act P.S.
3. Nehtaur, district Bijnor. 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 the petitioners 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.8000/- shall be payable to the respondent no.3, victim 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 respondent no.3 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 respondent no.3 and the person escorting her.

5. The office upon deposit of the Bank draft shall issue notice within one week to the respondent no.3, 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 petitioners shall be delivered in the Mediation Centre on the date fixed. The said notice shall be served upon respondent no.3 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.

6. 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 first week of October, 2010 along with report of Mediation Centre. In the meanwhile, the arrest of the petitioners in the aforesaid case shall remain stayed.

7. It may be made clear that in case, there occurs default by the petitioners 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.

8. 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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