

Mukharani (Sas) and Others Vs State of U.P. And Others

Court: Allahabad High Court

Date of Decision: Jan. 4, 2010

Hon'ble Judges: Imtiyaz Murtaza, J and Shri Kant Tripathi, J

Judgement

Shri Kant Tripathi, J.

Heard learned counsel for the petitioners and also learned Addl. Government Advocate.

1. The argument substantially is that fraught relation emanating from matrimonial bickering escalated into launching of criminal proceeding vide Case

Crime No. 329 C1 of 2009 under sections 498A, 323, 504, 506 I.P.C and 3/4 of D.P. Act police station Ubhaon District Baliya.

2. 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.

3. 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.

5000/ with the Mediation Centre by way of Bank draft drawn in favour of Opp party No. 3, victim wife. The Bank draft aforesaid, it is further

directed, shall be handed over to Opp party 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 Opp party No. 3 and the person

escorting her.

4. The office upon deposit of the Bank draft shall issue notice within one week to Opp party 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 petitioner

shall be delivered to her whenever she appears in the Mediation centre on the date fixed. The said notice shall be served upon Opp party 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.

5. 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

month of December, 2010 along with report of Mediation Centre.

6. 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 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.

9. It may be clarified that the case will not be treated as tied up to this Bench shall be listed before the appropriate Bench.

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