



2026:AHC:57919-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 3319 of 2026

Chirag Kushwaha And 6 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Himanshu Mishra
Counsel for Respondent(s)	:	G.A.

Court No. - 49

HON'BLE AJAY BHANOT, J.
HON'BLE TARUN SAXENA, J.

Shri Desh Deepak Singh, learned counsel holding brief of Shri Himanshu Mishra, learned counsel for the petitioners contends that the matter arises out of a matrimonial dispute. The petitioner no.1 is the husband of the victim. False and aggravated assertions have been made in the F.I.R. against the petitioners at the instigation of interested parties. The petitioners did not torture the victim or demand dowry. The criminal proceedings are actuated by malafides and are being leveraged in the matrimonial dispute.

Learned counsel for the petitioners has relied upon a judgment of Supreme Court rendered in **Geeta Mehrotra and another Vs State of Uttar Pradesh and another** reported at (2012) 10 SCC 741 and **Kahkashan Kausar Alias Sonam and others Vs State of Bihar and others** reported at (2022) 6 SCC 599, wherein the Supreme Court has noticed the tendency of giving criminal colour to matrimonial disputes by instituting criminal cases. According to learned counsel the instant criminal case is in the teeth of law laid down in **Geeta Mehrotra (supra)** and **Kahkashan Kausar (supra)**.

Learned counsel for the petitioners has also cited a judgment of the Supreme Court rendered in **Salib @ Shalu @ Salim Vs State of U.P. and others** reported at 2023 SCC Online SC 947 wherein after taking note of the tendency to launch false

prosecutions by abusing the process of court it was held:

"26. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (Cr.P.C.) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged."

Shri Desh Deepak Singh, learned counsel holding brief of Shri Himanshu Mishra, learned counsel for the petitioners contend that the differences between the parties can be amicably resolved through the process of mediation. In case the criminal investigations are allowed to proceed at this stage, it will increase further bad blood and the breach between the parties could well become beyond recall.

At this stage attempts are liable to be made to resolve the disputes between the parties through the process of mediation at Allahabad High Court Mediation and Conciliation Centre, Allahabad.

The contention of learned counsel for the petitioners has prima facie merit. The parties will attempt a reconciliation with the assistance of the Allahabad High Court Mediation and Conciliation Centre, Allahabad.

The matter is referred to the Allahabad High Court Mediation and Conciliation Centre, Allahabad, to attempt to bring about conciliation between the parties through the process of mediation. The following directions shall be executed by the respective parties:

1. The petitioners are directed to deposit a sum of Rs.30,000/- before the Allahabad High Court Mediation and Conciliation Centre, Allahabad within a period of one month.
2. Rs.25,000/- shall be released in favour of respondent no.4 while Rs.5,000/- shall be retained by the Allahabad High Court Mediation and Conciliation Centre, Allahabad. The amount shall be disbursed to the respondent no.4 immediately upon her appearance before the Allahabad High Court Mediation and Conciliation Centre, Allahabad.
3. The Allahabad High Court Mediation and Conciliation Centre, Allahabad shall fix the first date for mediation in the month of May, 2026 and issue notices to the parties accordingly.
4. The proceedings shall be concluded within a further period of three months from the date of initiation of the mediation proceedings in May, 2026.
5. The Allahabad High Court Mediation and Conciliation Centre, Allahabad shall send a report before this Court.
6. In the event the petitioners fail to deposit the aforesaid amount within the aforesaid period, this order shall stand vacated without resort to this Court. It shall then be open to the police authorities to proceed in accordance with law.

List immediately thereafter before the appropriate Bench.

Till the next date of listing or till the filing of the police report U/s 173 Cr.P.C./ Section 193 BNSS, whichever is earlier, the arrest of the petitioners pursuant to the impugned first information report dated 21.01.2026 registered as Case Crime No.41 of 2026 under Sections 76, 296, 115(2), 352 351(2) B.N.S. and 3/4 D.P. Act at Police Station-Tundla, District-Firozabad, shall remain stayed.

This matter shall not be treated as part heard or tied up to this Bench.

In case the amount is not deposited within a period of one month the interim order shall stand vacated ipso facto and the police authority shall proceed as per law.

(Tarun Saxena,J.) (Ajay Bhanot,J.)

March 20, 2026

Vandit