

**Court No. - 46**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 12294 of 2024

**Petitioner :-** Smt. Shahnaz And 6 Others

**Respondent :-** State Of U.P. And 2 Others

**Counsel for Petitioner :-** Lalit Kumar Srivastava, Vipin Chandra

**Counsel for Respondent :-** G.A.

**Hon'ble Arvind Singh Sangwan, J.**

**Hon'ble Mohd. Azhar Husain Idrisi, J.**

1. Heard learned counsel for the petitioners, learned counsel for informant and the learned AGA for State.
2. By way of this writ petition, the petitioners has prayed that this Court may issue a writ, order or direction in the nature of certiorari to quash the First Information Report dated 9.7.2024 lodged as Case Crime No.378 of 2024, under Sections 498A, 323, 377 & 376 of IPC and 3/4 Dowry Prohibition Act along with Muslim Women ( Protection of Marriage) Act Section 4, Police Station Sikandara, Nagar Commissionerate Agra, District Agra.
3. Learned counsel for the appellant submits that the impugned FIR was registered on 9.7.2024 under the provision of Indian Penal Code and not under Bharatiya Nyaya Sanhita (BNS) which came into force on 1st July, 2024. The Commissioner Agra Division Agra is directed to file an affidavit regarding refresher course conducted with regard to all the Investigating Officer in the Commissionerate about the new Act.
4. Learned counsel for the petitioner submits that the informant has made an allegation of rape against petitioner no.5, the brother of father-in-law of the informant who lives separately and has nothing to do with the matrimonial life of the informant and her husband. It is submitted that he has been falsely implicated as he tried to mediate between the two side.
5. Learned counsel for the petitioner submits that even the allegation against the other accused are general in nature. Learned counsel for petitioners further submits that there is a possibility of amicable settlement and the matter may be referred to the Mediation Center of this High Court.
6. The parties will appear before the Mediation Center of this

High Court on 1.8.2024 at 11:00 AM.

7. Petitioner will handover a demand draft of Rs.20,000/- favouring Reshma ( respondent No.3) towards litigation expenses to the victim at the time she appears before the mediation center.

8. List on 22.10.2024.

9. It will be open for mediator to summon the husband namely, Shakir even if he has not been arrayed as one of the petitioner in the present case

10. Meanwhile, no coercive action be taken against the petitioners pursuant to the aforesaid FIR.

11. It is made clear if the demand draft of Rs.20,000/- is not handed over on the first date of hearing, the interim protection shall stand vacated.

**Order Date :- 23.7.2024**

Mukesh