IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.5655/2025

SURJEET PRATAP SINGH **APPELLANT**

VERSUS

THE STATE OF UTTAR PRADESH & ANR. **RESPONDENTS**

O R D E R

1. This appeal takes exception to the short order dated 15th March, 2024 passed by a learned Judge of the High Court of Judicature at Allahabad dismissing the appellant's application[1] under Section 482 of the Code of Criminal Procedure, 1973[2].

2. Despite service, none has entered appearance on behalf of the respondent no.2-wife.

3. The short order impugned in this appeal reads as follows:-

> "Heard counsel for the parties
> This Court vide order dated 27.07.2023 directed the parties to appear before the Mediation Centre of Allahabad High Court and settle their Dispute amicably.
> The report send by the Mediation Centre reveals that the parties appeared before the mediation centre of this Court but they could not arrive at any settlement.
> In view of the aforesaid, the present application filed under Section 482 CrPC is dismissed."

4. We are pained, if not dismayed, that the learned Judge

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Date: 2024.11.02 16:54:16 IST
Reason:

chose not to examine the application under Section 482 on merits for no better reason than that mediation between the parties had failed. Though mediation is a salutary mode of dispute resolution, yet, it is facilitative in nature; mediation is a means to an end and not an end in itself. Failure to arrive at a mediated settlement signifies that the dispute could not be settled before the mediator, nothing more nothing less. Thus, a mediation resulting in failure does not relieve the Court to examine and adjudicate the proceedings before it on merits.

5. Since mediation failed to yield a positive result in the form of a settlement, that *per se* was no ground for the learned Judge to dismiss the application for quashing of proceedings. We would not be incorrect in recording that the learned Judge, in the present case, has abdicated his judicial duty.

6. The impugned order is indefensible; the same is, accordingly, set aside.

7. In the circumstances, we order a remand. The application under Section 482, Cr. PC shall stand revived on the file of the High Court and be heard afresh by the roster Bench upon ensuring that further service is effected on the respondent no.2. Needless to observe, a reasoned order shall be passed while disposing of the application.

8. It would be desirable if the application is dealt with expeditiously, in accordance with law.

9. The appeal, thus, stands allowed.

10. Pending application(s), if any, shall stand disposed of.

.....J.
[DIPANKAR DATTA]

.....J.
[SHEEL NAGU]

New Delhi;
October 30, 2026.

ITEM NO.45 COURT NO.6 SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No.5655/2025

SURJEET PRATAP SINGH **Appellant**

VERSUS

THE STATE OF UTTAR PRADESH & ANR. **Respondents**

[ONLY IA NO. 305909/2026 IS LISTED UNDER THIS ITEM]
I.A. No.305909/2026-EX-PARTE STAY

Date : 30-10-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE SHEEL NAGU

For Appellant(s) : Mr. Kush Chaturvedi, AOR
Ms. Prerna Priyadarshini, Adv.
Mr. Syed Faraz Alam, Adv.
Ms. Ayesha Choudhary, Adv.
Mr. Pramothesh Mukherjee, Adv.
Ms. Sonali Kumari, Adv.
Ms. Ishita Singh Tomar, Adv.

For Respondent(s) :Mr. Adarsh Upadhyay, AOR
Ms. Pallavi Kumari, Adv.
Mr. Shashank Pachauri, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The appeal is allowed in terms of the signed order.

2. Pending application(s), if any, shall stand disposed of.

(RASHMI DHYANI PANT) **(SUDHIR KUMAR SHARMA)**
ASST. REGISTRAR-CUM-PS **COURT MASTER (NSH)**
(signed order is placed on the file)