

(2020) 02 UK CK 0003

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 233 Of 2020

Aasim @ Sonu And Others

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 07-02-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 323, 452, 504, 506
Scheduled Castes And The Scheduled Tribes (Prevention Of Atrocities) Act, 1989 —
Section 3(1)(v), 3(1)(x)

Citation : (2020) 02 UK CK 0003

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Vikas Anand, Lalit Miglani, B.S. Koranga

Judgement

Ravindra Maithani, J

1. The instant petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short the "Code") has been filed by the petitioners for

quashing the charge-sheet dated 03.07.2019 filed in F.I.R. No. 81 of 2019 under Sections 323, 452, 504 and 506 of I.P.C. and Section 3(1)(x) of the

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the summoning order dated 15.07.2019 as well as the consequential

orders passed by the learned trial Court and the entire proceedings of Special Sessions Trial No. 177 of 2019 "State v Aseem and others" pending

in the Court of learned Special Sessions Judge, Rudrapur, Udham Singh Nagar on the ground of amicable settlement between the parties.

2. Heard learned counsel for the parties and perused the records.

3. In this case the F.I.R. was lodged by respondent no. 2 on 19.06.2019 under Sections 323, 452, 504 and 506 of I.P.C. and Section 3(1)(v) of the

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. According to it, on 18.06.2019 at 09:00 P.M., when respondent no. 2

was at her sister's house, the petitioners pelted stones and bricks on her and abused her with caste related words. The respondent no. 2 was rescued by neighbours.

4. Today the petitioners and respondent no. 2, who have been duly identified by their respective counsel, are present in Court. They state that they have amicably settled their dispute. Learned counsel for the parties would submit that a small issue was exaggerated in the form of the F.I.R. Parties are neighbours. They have amicably settled their dispute and are now living in harmony.

5. The parties have settled their disputes and are now living in harmony and are neighbours. The chance of conviction will be bleak and remote.

6. In view of the principle, as laid by the Hon'ble Supreme Court in the case of Gian Singh v. State of Punjab and another : (2012) 10 SCC 30, this

Court is of the view that, on the basis of amicable settlement between the parties, the proceedings may be quashed.

7. Accordingly, the petition is allowed. Impugned charge-sheet dated 03.07.2019 filed in F.I.R. No. 81 of 2019 under Sections 323, 452, 504 and 506 of

I.P.C. and Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the summoning order dated

15.07.2019 as well as the consequential orders passed by the learned trial Court and the entire proceedings of Special Sessions Trial No. 177 of 2019

State v Aasim and others pending in the Court of learned Special Sessions Judge, Rudrapur, Udham Singh Nagar is hereby quashed.

8. Compounding Application, being CRMA No. 371 of 2020, stands disposed of accordingly.