

(2018) 05 UK CK 0048

In the Uttarakhand High Court

Case No : Compounding Application No.826 of 2018 In Criminal Misc. Application No.1596 of 2015

AJAY SHARMA

APPELLANT

Vs

SMT VAISHALI DHIMAN SHARMA AND ANOTHER

RESPONDENT

Date of Decision : 10-05-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482

Citation : (2018) 05 UK CK 0048

Hon'ble Judges : V.K. BIST, J

Bench : Single Bench

Advocate : Prateek Tripathi, Akshay Latwal, Bhuwanesh Joshi, Farida Siddiqui

Final Decision : Allowed

Judgement

1. Present criminal misc. application under section 482 has been filed by the applicant with the prayer to quash the order dated 29.10.2015 passed by

learned Session Judge, Udham Singh Nagar in Criminal Revision No.170 of 2015, Ajay Sharma vs. State and another. Alongwith the criminal misc.

application, compounding application has been filed. In support of compounding application, compromise affidavits have been filed by the applicant-

Ajay Sharma and respondent no.1-Smt. Vaishali Dhiman Sharma. In the affidavit, it is stated by respondent no.2 that due to good offices of

respectable persons of both the sides and their counsel in Delhi and High Court of Uttarakhand all the disputes in between the parties has been

amicably settled, as such, the matter between respondent no.2 and the applicant has been settled amicably and the respondent no.2 does not wish to

carry the criminal litigation against the applicant.Â

2. It is prayed that the entire proceedings of Criminal Case No.453 of 2015 Smt.

Vaishali Dhiman Sharma vs. Ajay Sharma pending in the Court of

learned Additional Chief Judicial Magistrate, Kashipur, District Udham Singh Nagar may be quashed.

3. Parties are present in the Court today and they are duly identified by their respective counsel. They admit the compromise.Â

4. In view of the principle of law laid down by Honâ??ble the Apex Court in the case of Gian Singh vs. State of Punjab reported in 2012 (10) SCC

303 as well as in Transfer Petition (Criminal) No.115 of 2012 (Dimpey Gujral vs. Union Territory of Chandigarh) decided on 06.12.2012, criminal

proceedings can be quashed by this Court, if Court is satisfied that matter has been settled between the parties amicably and parties are interested to

restore peace and harmony between them.Â

5. Having considered submissions of learned counsel for the parties, and after going through the entire material available on record, I am satisfied that

the matter has been settled between the parties amicably. Therefore, the criminal misc. application deserves to be allowed.Â

6. Accordingly, the criminal misc. application filed under section 482 is allowed. Entire proceedings of Criminal Case No.453 of 2015 Smt. Vaishali

Dhiman Sharma vs. Ajay Sharma pending in the Court of learned Additional Chief Judicial Magistrate, Kashipur, District Udham Singh Nagar, so far

same relates to the applicant, are hereby quashed.

7. Compounding application is, accordingly, disposed of.Â a