
(2011) 12 UK CK 0059

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application (C482) No. 965 of 2010

Aman Gupta

APPELLANT

Vs

State of Uttarakhand and Pallavi Gupta

RESPONDENT

Date of Decision : 14-12-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 323, 498A, 504

Citation : (2011) 12 UK CK 0059

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Hon"ble Prafulla C. Pant, J.—Heard.

2. By means of this petition, moved u/s 482 of Cr.P.C., the petitioner has sought quashing of proceedings of criminal case no. 699 of 2010 State vs. Vijay Kumar Gupta and others, relating to offences punishable u/s 323, 504, 498-A of I.P.C. and one punishable u/s 3/4 of Dowry Prohibition Act, 1961, Police Station Kankhal, pending in the court of Judicial Magistrate, Hardwar.

3. Learned counsel for the petitioner and learned counsel for the complainant state that parties to matrimony have entered into compromise, and respondent no. 2 (complainant) does not want to prosecute the petitioner. Pallavi Gupta (respondent no. 2), identified by her counsel Sri M.K. Goyal, Advocate, is present in Court. She verified the fact that she has entered into compromise with her husband (petitioner), and she does not want to prosecute the petitioner. Mr. Umesh Goel (complainant) is also present in Court, who also verified said fact.

4. In the above circumstances, in view of the principle of law laid down in B.S. Joshi and Others Vs. State of Haryana and Another, , the petition deserves to be allowed.

5. The petition u/s 482 of Cr.P.C. is allowed. Proceedings of criminal case no. 699 of 2010 State vs. Vijay Kumar Gupta and others, relating to offences punishable u/s 323, 504, 498A I.P.C. and one punishable u/s 3/4 of Dowry Prohibition Act, 1961, Police Station Kankhal, pending in the court of Judicial Magistrate, Hardwar, are hereby quashed. (Misc. Application No. 893/2011, Delay Condonation Application No. 891 of 2011 and Stay Vacation Application No. 1425 of 2010 stand disposed of).