

(2021) 11 UK CK 0157

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 2109 Of 2021

Amar Bakshi

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 25-11-2021

Acts Referred:

Indian Penal Code, 1860 — Section 376, 504, 506
Constitution Of India, 1950 — Article 226

Citation : (2021) 11 UK CK 0157

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Anoop Jaiswal, S. S. Adhikari, Prateek Tripathi

Judgement

Alok Kumar Verma,J

1. This criminal writ petition has been filed under Article 226 of the Constitution of India to issue a writ of certiorari to quash the First Information Report No.0280 of 2021, registered with Police Station Transit Camp, District Udham Singh Nagar for the offence under Sections 376, 504 & 506 of IPC.

2. Heard Mr. Anoop Jaiswal, the learned counsel for the petitioner, Mr. S.S. Adhikari, the learned Deputy Advocate General for the State/respondent nos.1 to 3 and Mr. Prateek Tripathi, the learned counsel for the respondent no.4.

3. The petitioner - Amar Bakshi and the respondent no.4, Shilpa Ray are present in-person. The petitioner and the respondent no.4 are identified by their respective counsel.

4. Mr. Amar Bakshi, the petitioner - accused and Shilpa Ray, the respondent no.4, submitted that the petitioner and the respondent no.4 have solemnized their marriage on 15.11.2021 and they are further going to marry socially on 01.12.2021 so that the society may recognize them as husband and wife.

5. Mr. S. S. Adhikari, the learned Deputy Advocate General appearing for the

State submitted that he has verified the said submissions and according to the instructions, the marriage of the petitioner and the respondent no.4 is fixed on 01.12.2021.

6. The petitioner and the respondent no.4 submitted that they have filed a Compounding Application (IA No.02 of 2021) along with their affidavits. The respondent no.4, Shilpa Ray, the informant of this matter and the victim, submitted that she does not want to proceed with the said FIR. She further submitted that she has filed the compounding application along with her affidavit with her free will and without any pressure.

7. Mr. S.S. Adhikari, the learned Deputy Advocate General appearing for the State submitted that he has no objection on the above submissions.

8. Keeping in view of the totality of the facts and circumstances of the case, this Court is of the view that ends of justice would met, if the impugned First Information Report is quashed qua to the petitioner. Resultantly, the impugned First Information Report No.0280 of 2021, registered with Police Station Transit Camp, District Udham Singh Nagar for the offence under Sections 376, 504 and 506 of IPC, is quashed.

9. Before parting with this order, it is clarified that the impugned FIR No.0280 of 2021 is quashed only against the petitioner, namely, Amar Bakshi.