

(2021) 11 UK CK 0138

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 2096 Of 2021

Amit Das @ Amit Kumar Das

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 25-11-2021

Acts Referred:

Indian Penal Code, 1860 — Section 420
Constitution Of India, 1950 — Article 226

Citation : (2021) 11 UK CK 0138

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Pradeep Kumar Chauhan, Rohit Dhyani, Sonia Chawla

Judgement

Alok Kumar Verma, J

1. This criminal writ petition has been filed by Mr. Banmali Das, the real brother of Mr. Amit Das @ Amit Kumar Das, the petitioner - accused, under Article 226 of the Constitution of India to issue a writ of certiorari to quash the impugned First Information Report No.072 of 2021, registered with Police Station Kotwali, Kotdwar, District Pauri Garhwal for the offence under Section 420 of IPC.
2. Heard Mr. Pradeep Kumar Chauhan, the learned counsel for the petitioner, Mr. Rohit Dhyani, the learned Brief Holder for the State/respondent nos.1 and 2 and Ms. Sonia Chawla, the learned counsel for the respondent no.3.
3. The learned counsel appearing for the petitioner has filed a Letter of Authority of the petitioner - Amit Das @ Amit Kumar Das through Jail Chas (Bokaro), Jharkhand. The petitioner is detained in the said Jail Chas (Bokaro) in Crime Case No.81 of 2021, Police Station Chandankiyari (Amlabad O.P.).
4. According to the said Letter of Authority, the petitioner Amit Das @ Amit Kumar Das has authorized Mr. Banmali Das, his real brother, to file an affidavit, pleadings before this Court in the present matter.

5. The learned counsel appearing for the State submitted that he has verified the said Letter of Authority.

6. Smt. Reeta Joshi Bahuguna, the informant/ victim and respondent no.3 is present in-person. She is identified by Ms. Sonia Chawal, the learned counsel for the respondent no.3, Mr. Banmali Das is also present in-person. He is identified by Mr. Pradeep Kumar Chauhan, the learned counsel for the petitioner.

7. Smt. Reeta Joshi Bahuguna, the informant/ victim and respondent no.3, submitted that she does not want to proceed with the impugned First Information Report. The respondent no.3 and Mr. Banmali Das submitted that the disputes between the parties have been resolved. Smt. Reeta Joshi Bahuguna, the informant/ victim and Mr. Banmali Das, the real brother of the petitioner, have filed a Compounding Application (IA No.02 of 2021) along with their affidavits. They stated that they have filed a Compounding Application (IA No.02 of 2021) with their free will and without any pressure.

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 meet, if the impugned First Information Report is quashed. Resultantly, the impugned First Information Report No.0072 of 2021, registered with Police Station Kotwali, Kotdwar, District Pauri Garhwal under Section 420 of IPC, is quashed.

9. Let a certified copy of this order be sent to the incharge Jail, Chas (Bokaro), Jharkhand for necessary action.