

(2018) 03 UK CK 0045

In the Uttarakhand High Court

Case No : Compounding Application No. 2929 of 2018 IN Writ Petition (Criminal)
No. 412 of 2018

AMIT KUMAR

APPELLANT

Vs

STATE OF UTTARAKHAND AND OTHERS

RESPONDENT

Date of Decision : 15-03-2018

Acts Referred:

Indian Penal Code, 1860 — Section 379

Citation : (2018) 03 UK CK 0045

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

Bench : Single Bench

Advocate : Sandeep Kothari, S.K. Chaudhary, Balvinder Singh, Akram Parvez

Final Decision : Disposed Off

Judgement

1. Heard learned counsel for the parties.
2. The present petition has been filed by the petitioner for quashing the impugned First Information Report dated 08.02.2018, registered as Case Crime (F.I.R.) No. 48/2018, under Section 379 of I.P.C., registered at Police Station Gangnagar, Roorkee, District Haridwar. Along with the writ petition, joint compounding application has also been filed. In support of compounding application, affidavits have been filed by petitioner (Amit Kumar) and respondent no. 3 (Sachin Kumar). It is stated in the affidavit filed by the respondent no. 3 that due to some confusion First Information report was registered and now parties have entered into the compromise. It is stated that the respondent no. 3 is not willing to further prosecute the petitioner.Â
3. It is prayed that the offences punishable under Section 379 of I.P.C., arising out of Case Crime (F.I.R.) No. 48/2018 may be compounded and the entire proceedings of F.I.R. dated 08.02.2018, registered under Section 379

I.P.C., at Police Station Gangnahar, Roorkee, District Haridwar may be quashed.Â Â Â

4. Parties are present in the Court today and are duly identified by their respective counsel. It is stated that parties have settled the dispute amicably.Â Â

5. 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 this Court is satisfied that matter has been settled between the parties amicably and parties are interested

to restore peace and harmony between them.

6. Having considered submission 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 writ petition deserves to be allowed.

7. Accordingly, the writ petition is allowed. Impugned F.I.R. dated 08.02.2018, registered as Case Crime (F.I.R.) No. 48/2018, under Section 379 of

I.P.C., registered at Police Station Gangnahar, Roorkee, District Haridwar, is hereby quashed so far it relates to the petitioner.Â Â

8. Compounding application is, accordingly, disposed of.