
(2018) 05 UK CK 0052

In the Uttarakhand High Court

Case No : Writ Petition (Criminal) No. 833 of 2018

ANKIT KUMAR BEWNI AND ANOTHER

APPELLANT

Vs

STATE OF UTTARAKHAND AND OTHERS

RESPONDENT

Date of Decision : 11-05-2018

Acts Referred:

Indian Penal Code, 1860 — Section 147, 324, 504, 506
Code of Criminal Procedure, 1973 — Section 320

Citation : (2018) 05 UK CK 0052

Hon'ble Judges : LOK PAL SINGH, J

Bench : Single Bench

Advocate : Maneesh Bisht, P.S. Bohara, Kurban Ali

Final Decision : Allowed

Judgement

1. Heard learned counsel for the parties.

2. Petitioner has approached this Court seeking the following reliefs:

i) Issue a writ, order or direction in the nature of certiorari to quash the F.I.R. dated 11.3.2018 lodged by the respondent no.3 under Section 147, 324,

504, 506 IPC registered as FIR No.0093 of 2018 at Thana Kotdwar, District Pauri Garhwal.

ii) Issue a writ, order or direction in the nature of mandamus commanding and directing to the respondentsâ?? authorities not to arrest the petitioners

or not to take any corrosive measure for the arrest of the petitioners on the basis of the F.I.R. dated 11.3.2018 lodge at Thana Kotdwar, during the

investigation.â??

3. Learned counsel for the parties submit that there are cross F.I.R.s of the same incident; one lodged by respondent no.3 and the other lodged by

petitioner no.1. They further submit that now the parties have settled their disputes amicably outside the Court and they do not want to prosecute each

other. Hence, a prayer has been made to quash the impugned F.I.R. dated 11.3.2018 lodged by the respondent no.3 under Section 147, 324, 504, 506

IPC registered as FIR No.0093 of 2018 at Thana Kotdwar, District Pauri Garhwal.

4. Petitioners Ankit Kumar and Aashish are present in the Court today, duly identified by their counsel Mr. Maneesh Bisht. Respondent no.3 Smt.

Neelam Rawat is also present, duly identified by her counsel Mr. Kurban Ali. This Court had an interaction with them. Parties have stated before the

Court that the dispute has been amicably settled between them and now no grudge remains against each other. A compromise to this effect has also

been filed along with the writ petition, which is Annexure No.2.

5. Offences punishable under Sections 147, 504 and 506 are compoundable offences within the scheme of Section 320 Cr.P.C. whereas offence

punishable under Section 324 IPC is a noncompoundable offence.Â

6. 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 the Court, if the Court is satisfied that matter has been settled between the parties amicably and parties are interested

to restore peace and harmony between them.Â

7. Having considered submissions of learned counsel for the parties, I am satisfied that the matter has been amicably settled between the parties and

no useful purpose would be served by continuing the prosecution, as such the petition is liable to be allowed.

8. Accordingly, writ petition is allowed. Impugned F.I.R. dated 11.03.2018 lodged by respondent no.3 under Section 147, 324, 504 and 506 of IPC

registered as FIR No.0093 of 2018 at Thana Kotdwar, District Pauri Garhwal, is hereby quashed, on the basis of compromise arrived at between the

parties.

9. No order as to costs.