
(2022) 06 UK CK 0014

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 824 Of 2022

Ankit Mishra And Ayush Pandey

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 08-06-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 120B, 420

Citation : (2022) 06 UK CK 0014

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : A.M. Saklani, V.S. Rathore, Pooran Singh Rawat

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. The applicant - accused persons, namely, Ankit Mishra and Ayush Pandey have invoked the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973, to quash the charge-sheet, cognizance/ summoning order dated 09.11.2021 and the entire proceedings of Criminal Case No.264 of 2021, "State vs. Rakesh Pandey and two Others", pending before the Judicial Magistrate, Didihaat, District Pithoragarh.
2. Subsequent to submission of the charge-sheet, the learned trial court took the cognizance and passed the impugned summoning order against the present applicants for the offence under Sections 420 and 120B of IPC.
3. Both the applicants, namely, Ankit Mishra and Ayush Pandey are present in-person before this Court and they are identified by Mr. A.M. Saklani, Advocate.
4. The respondent no.2 Mangal Singh, the informant/victim, is present in-person before this Court and he is identified by Mr. Pooran Singh Rawat, Advocate.
5. Heard Mr. A.M. Saklani, learned counsel for the applicants, Mr. V.S. Rathore,

learned AGA for the State and Mr. Pooran Singh Rawat, learned counsel for the respondent no.2/informant/victim.

6. The respondent no.2 Mangal Singh and both the applicants, namely, Ankit Mishra and Ayush Pandey submitted that they have filed a joint Compounding Application (IA No.01 of 2022) along with affidavits with their free will and without any pressure. The respondent no.2 further submitted that he does not want to proceed with the said criminal case.

7. The learned counsel for both the parties submitted that the case of the main accused Girish Chand and the case of another co-accused Rakesh Pandey have been compounded in the proceedings of Section 482 of the Code of Criminal Procedure, 1973.

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 be met, if the impugned charge-sheet, cognizance/ summoning order dated 09.11.2021 and the entire proceedings of Criminal Case No.264 of 2021, "State vs. Rakesh Pandey and two Others", pending before the Judicial Magistrate, Didihaat, District Pithoragarh, is quashed qua the applicants only.

9. Resultantly, the charge-sheet, cognizance/ summoning order dated 09.11.2021 and the entire proceedings of Criminal Case No.264 of 2021, "State vs. Rakesh Pandey and two Others", pending before the Judicial Magistrate, Didihaat, District Pithoragarh, is quashed qua the applicants only.

10. The Criminal Miscellaneous Application No.824 of 2022, filed under Section 482 of the Code of Criminal Procedure, is disposed of accordingly.