

(2022) 02 UK CK 0045

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 217 Of 2022

Aryan Lal

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 08-02-2022

Acts Referred:

Indian Penal Code, 1860 — Section 34, 380, 411, 454

Citation : (2022) 02 UK CK 0045

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Abhishek Joshi, Lalit Miglani, Pramod Tiwari, Rahul Adhikari

Final Decision : Allowed

Judgement

Ravindra Maithani, J

1. Instant petition has been filed on behalf of Aryan Lal for quashing the FIR No.19 of 2022, under Section 380, 454, 411, 34 IPC, Police Station

Haldwani, District Nainital. Petitioner is in jail in the instant case. The petition is filed on the basis of compounding of the offence between the parties.

2. According to the FIR, the petitioner had stolen a watch and some other articles from the room of the informant.

3. Heard learned counsel for the parties through video conferencing and perused the record.

4. Learned counsel for the petitioner and learned counsel for the informant would submit that parties have settled the dispute; petitioner is a bright

student; he is in jail; the informant has accepted the apology and they are living in the same premises in peace and harmony now.

5. The parties have also filed a joint compounding application, supported by the affidavits of the brother of the petitioner and the informant.

6. Mr. Zeedane Lal, the brother of the petitioner as well as Dr. Poonam Kumari, the informant joined the proceeding through video conferencing, as identified by their respective counsel. Dr. Poonam Kumari has stated before the Court that the mother of the petitioner is working in their establishment; since the parents of the petitioner have tendered apology, at this stage, if the case is dropped, it may perhaps save the future of the petitioner. Therefore, she does not want to proceed with the case.
7. Having considered the nature of the offence and the other attending factors, this Court is of the view that the petition may be decided in terms of the compromise between the parties. Accordingly, the petition deserves to be allowed.
8. Accordingly, the instant petition is allowed. The FIR No.19 of 2022, under Section 380, 454, 411, 34 IPC, Police Station Haldwani, District Nainital is hereby quashed.
9. Compounding Application (IA) No.2 of 2022 stands disposed of accordingly.
10. Petitioner is in jail. He be released forthwith, if not warranted in any other case.