
(2010) 10 UK CK 0139

In the Uttarakhand High Court

Case No : Misc. Application No. 1078 of 2010 and Compromise Application No. 1180 of 2010 in Criminal Miscellaneous Application No. 683 of 2010

Babu Ram Sharma and Another

APPELLANT

Vs

State of Uttarakhand and Another

RESPONDENT

Date of Decision : 22-10-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 406, 420, 506

Citation : (2010) 10 UK CK 0139

Hon'ble Judges : Dharam Veer, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Dharam Veer, J.—Heard Mr. M.C. Kandpal, Senior Advocate with Mr. Yogesh Sah, Advocate for the applicants, Mr. M.A. Khan, Brief Holder for the State and Mr. T.S. Phartiyal, Advocate for respondent No. 2.

2. By means of this petition, moved u/s 482 of The Code of Criminal Procedure, 1973 (for short Cr.P.C.), the applicants have sought quashing of charge sheet dated 2.4.2010 and the criminal proceedings of criminal case No. 207/2010, State v. Sunil Sharma and Ors. relating to offences punishable u/s 406, 420 and 506 of The Indian Penal Code, 1860 (for short, IPC).

3. A compromise application No. 1078 of 2010 has been filed by the learned Counsel for respondent No. 2 and a compromise application No. 1180 of 2010 has been filed by learned Counsel for the applicants. Along with compromise application No. 1180 of 2010 a joint affidavit of both the parties has been annexed in which it has been stated that a compromise has taken place between both the parties. Respondent No. 2 has received the whole amount due against the applicants and now there is no dispute pending between the applicants and respondent No. 2 and both the parties are not interested to contest the case as nothing has remained in the case. Further, the compromise was also reduced in

writing between the parties and both the parties i.e. the applicants and the complainant have signed therein voluntarily. Now, learned Counsel appearing for both the parties jointly submitted that the instant petition may be disposed of in terms of the compromise arrived at in between the parties and the charge sheet dated 2.4.2010 and the proceedings pending before the court below may be quashed.

4. On a perusal of Section 320 Cr.P.C., which defines the compounding of offences, Sections 406/420/506 IPC are the offences which can be compounded with the consent of the Court.

5. Having considered the compromise arrived at in between the parties and particularly the fact that the above-said offences are the compoundable offences, the misc. application No. 1078/2010 and compromise application No. 1180/2010 are allowed. The petition u/s 482 Cr.P.C. is disposed of in terms of the compromise arrived at in between the parties. The charge sheet dated 2.4.2010 filed in Criminal Case No. 1035 of 2009 and the proceedings of criminal case No. 207 of 2010, State v. Sunil Sharma and Ors. relating to offences punishable u/s 406/420/506 IPC, is hereby quashed.

Interim order dated 19.7.2010 stands vacated.