
(2010) 04 UK CK 0056
In the Uttarakhand High Court

Bijendra Kumar and Others

APPELLANT

Vs

State of Uttaranchal and Smt. Lata alias Sonali

RESPONDENT

Date of Decision : 02-04-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 498A

Citation : (2010) 04 UK CK 0056

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Judgement

Prafulla C. Pant, J.—Heard.

2. By means of this petition, moved u/s 482 of Code of Criminal Procedure, 1973, (for short Cr.P.C.) the petitioners have sought quashing of the proceedings of criminal complaint case No. 149 of 2005 (New No. 327 of 2005), Smt. Lata alias Sonali v. Bijendra Kumar and Ors., relating to offence punishable u/s 498A I.P.C. and one punishable u/s ? Dowry Prohibition Act, 1961, P.S. Kotwali Haridwar, District Haridwar, pending in the court of Ist Additional Civil Judge (Junior Division)/Judicial Magistrate, Haridwar.

3. Learned Counsel for the petitioners submitted that parties to the matrimony have already entered into compromise. Attention of this Court is drawn to annexure-S.A.1 to the supplementary affidavit, filed on behalf of the petitioner, which is copy of order dated 06.06.2007, passed by Division Bench of this Court in First Appeal No. 05 of 2006, Smt. Lata alias Sonali v. Bijendra Kumar, whereby said first appeal, has been decided in terms of compromise between the parties to the matrimony. In para-5 of said order, passed by division bench, it is mentioned that the parties to the matrimony have agreed that they would withdraw cases, filed by them, against each other.

4. Notices were sent several times to the complainant (respondent No. 2), which are sufficiently served on her. She has not put in appearance but got sent a letter through the registry of this Court in which she has affirmed that compromise

between the parties have already been entered into on 06.06.2007 and with letter dated 16.09.2009, she has also enclosed the same order, passed by the Division Bench in first appeal No. 05 of 2006. As such, it is evident that after filing of this petition in the year 2005, parties have entered into compromise and the complainant does not want to prosecute the petitioners in terms of compromise.

5. In the above circumstances, in view of principle of law laid down in B.S. Joshi and Others Vs. State of Haryana and Another, , the impugned proceedings of criminal complaint case are liable to be quashed. Accordingly, the petition u/s 482 Cr.P.C. is allowed and the proceedings of criminal complaint case No. 149 of 2005 (New No. 327 of 2005), Smt. Lata alias Sonali v. Bijendra Kumar and Ors. relating to offences punishable u/s 498A and one punishable u/s ? Dowry Prohibition Act, 1961, pending in the court of Ist Additional Civil Judge, (Junior Division)/Judicial Magistrate, Haridwar, are hereby quashed.