

(2022) 05 UK CK 0090

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 1805 Of 2019 & Criminal Miscellaneous Application No. 2092 Of 2019

Bikram Singh Chaudhary And Others

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 24-05-2022

Acts Referred:

Indian Penal Code, 1860 — Section 323, 498A, 504
Dowry Prohibition Act, 1961 — Section 3, 4

Citation : (2022) 05 UK CK 0090

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Bhuwan Bhatt, V.K. Jemini, Meena Bisht, Karan Anand

Final Decision : Allowed

Judgement

Ravindra Maithani, J

1. By means of the instant petition, the petitioners seek quashing of the chargesheet dated 24.03.2019, summoning order dated 29.05.2019 passed in Criminal Case No. 2986 of 2019, State v. Bikram Singh Chaudhary and others, under Sections 498A, 323, 504 IPC and Section 3/4 of the Dowry Prohibition Act, 1961, by the court of IIIrd Additional Chief Judicial Magistrate, Dehradun ("the case") as well as the entire proceedings of the case, on the basis of amicable settlement between the parties.

2. Heard learned counsel for the parties and perused the record.

3. A joint compounding application has been filed by the petitioners as well as the respondent no. 2 ("the informant"), supported by the affidavits.

4. It is argued that the dispute arises out from matrimonial discord. The parties have settled the dispute amicably. In a separate petition filed by the husband, the proceedings have been dropped qua the husband.

5. The petitioners and the informant are personally present before the Court, duly identified by their respective counsel. They have verified the contents of the compounding application and stated that they have settled the dispute amicably.
6. The Court particularly asked the informant. She would submit that the parties have settled the dispute amicably. The parties have already filed a divorce petition. She would submit that she has received 40% of the agreed amount and she would receive the remaining amount after second motion of divorce petition, which has been filed by the parties with mutual consent. Now, she does not want to proceed with the case.
7. Having considered, this Court is of the view that it is a case which may be decided on the basis of amicable settlement between the parties. Accordingly, the petition deserves to be allowed.
8. The petition is allowed. The chargesheet dated 24.03.2019, summoning order dated 29.05.2019 as well as the entire proceedings of the case are hereby quashed.
9. Compounding application No. 1 of 2022 stands disposed of accordingly.