

(2022) 04 UK CK 0117

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 629 Of 2022

Chirag Aggarwal

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 25-04-2022

Acts Referred:

Indian Penal Code, 1860 — Section 323, 342, 386, 504
Constitution Of India, 1950 — Article 226

Citation : (2022) 04 UK CK 0117

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Vikas Kumar Guglani, S.S. Adhikari, B.S. Koranga

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. This Criminal Writ Petition has been filed under Article 226 of the Constitution of India to issue a writ of certiorari to quash the impugned First Information Report No.105 of 2022, registered at Police Station Transit Camp, District Udham Singh Nagar for the offence under Sections 323, 342, 504 & 386 of IPC.

2. Heard Mr. Vikas Kumar Guglani, the learned counsel for the petitioner, Mr. S.S. Adhikari, the learned Deputy Advocate General for the State and Mr. B.S. Koranga, the learned counsel for the respondent no.3.

3. The learned counsel for the petitioner submitted that a compounding application has been filed by the respondent no. 3/victim and the petitioner-accused through his father, a power of attorney holder.

4. The respondent no. 3 Vishnu Mandal is present in-person before the Court and he is identified by Mr. B.S. Koranga, Advocate.

5. The learned counsel for the petitioner submitted that the petitioner Chirag Aggarwal is in judicial custody.

6. Mr. Vishnu Mandal, the respondent no. 3 and the petitioner submitted that there were some private disputes between them and they have resolved their said disputes. The respondent no. 3 submitted that he does not want to proceed the impugned First Information Report against the present petitioner.
7. The learned counsel for the petitioner and respondent no. 3 further submitted that they have filed a joint compounding application along with their affidavits with their free will and without any pressure.
8. The learned counsel for the State submitted that there were some private disputes between the parties and they have resolved their disputes, therefore, State has no objection.
9. 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 First Information Report No. No.105 of 2022, registered at Police Station Transit Camp, District Udham Singh Nagar for the offence under Sections 323, 342, 504 & 386 of I.P.C., is quashed qua the petitioner.
10. Resultantly, the impugned First Information Report No. No.105 of 2022, registered Police Station Transit Camp, District Udham Singh Nagar for the offence under Section 323, 342, 504 & 386 of I.P.C. is hereby quashed qua the petitioner only.
11. The Criminal Writ Petition No. 629 of 2022, is disposed of, accordingly.
12. Let a certified copy of this order be sent forthwith to the In-charge, Sub-jail Haldwani for necessary action.