
(2020) 02 UK CK 0051

In the Uttarakhand High Court

Case No : Writ Petition (Criminal) No. 202 Of 2020

Chirag Mathur & Another

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 25-02-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 120B, 406, 420, 465, 467, 468, 471
Code Of Criminal Procedure, 1973 — Section 320

Citation : (2020) 02 UK CK 0051

Hon'ble Judges : Lok Pal Singh, J

Bench : Single Bench

Advocate : Vikas Kumar Guglani, Siddhartha Bisht, B.S. Koranga

Final Decision : Allowed

Judgement

Lok Pal Singh, J

1. This writ petition has been filed for the following relief:

i) Issue a writ, order or direction in the nature of certiorari for quashing the FIR No.166 of 2018 under Section 420, 406, 465, 467, 468, 471, 120-B, 34

of IPC, P.S. Pantnagar, District Udham Singh Nagar.

2. The allegations in the FIR are that the petitioners obtained Rs. 5,00,000/- as advance money from the complainant company in lieu of selling its

industrial unit including plant and machinery. After making the advance payment, when the complainant company's officials visited the site then

they were shocked and surprised to see that no such plant and machinery exists at the site. Thereafter, when the complainant company asked the

petitioners to refund their money back they refused to do so.

3. Compounding application being IA No.2375 of 2020 has been filed by the

parties jointly (petitioners and respondent nos.3) stating that the petitioners and respondent no.3 have settled their dispute amicably, inasmuch as, the complainant has received their amount back from the petitioners. It is also stated that the grievance of the complainant has been redressed as the petitioners have returned their money and now there remains no dispute in between the parties and the respondent no.3 does not wish to prosecute the petitioners. By way of present compounding application, a prayer has been made to quash the impugned FIR. Along with the application, petitioner no.1 and respondent no.3 have filed their separate affidavits to affirm what is stated in the application.

4. State/respondent no.1 and 2 have filed its objections to the compounding application stating that the offence punishable under Sections 465, 467, 468, 471 and 120-B of IPC are non-compoundable as per Section 320 of Cr.P.C.

5. I have heard learned counsel for the parties and perused the material available on record.

6. Insofar as Sections 465, 467, 468, 471 and 120-B are concerned, from the perusal of the impugned FIR, it is abundantly clear that no offence is made out against the petitioners under Sections 465, 467, 468, 471 and 120-B of IPC. As regards other Sections viz. 420/406/34 IPC, same are compoundable offence within the scheme of Section 320 of Cr.P.C.

7. In view of the above, compounding application is allowed. As a consequence thereof, FIR No.166 of 2018 under Section 420, 406, 465, 467, 468, 471, 120-B, 34 of IPC, P.S. Pantnagar, District Udham Singh Nagar is hereby quashed.

8. Writ petition stands allowed accordingly.

9. Pending applications, if any, also stand disposed of.

10. No order as to costs.