

(2012) 03 UK CK 0013

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 74 of 2012

Deepak Negi

APPELLANT

Vs

State of Uttarakhand and Smt. Sunita Negi @ Sumitra Negi

RESPONDENT

Date of Decision : 14-03-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 420, 498A

Citation : (2012) 03 UK CK 0013

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Hon"ble Prafulla C. Pant, J.—Heard. 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 case No. 383 of 2009, State vs. Deepak Negi and others, relating to offences punishable u/s 420, 498A IPC, and one punishable u/s 3/4 Dowry Prohibition Act, 1961, Police Station Roorkee, pending in the court of Judicial Magistrate, Roorkee, Hardwar.

2. Learned counsel for the petitioner, and Learned Counsel for the complainant (respondent No. 2) stated before this Court that parties to matrimony have entered into compromise and they want to live together.

3. A compounding application No. 56 of 2012, is moved supported by the affidavits of both the parties.

4. Deepak Negi (petitioner) identified by his counsel Mrs. Prabha Naithani, Advocate, and Smt. Sunita Negi @ Sumitra Negi (respondent No. 2) identified by her counsel Mr. B.M. Pingal, Advocate, are present in Court and they stated that they want to live together. Respondent No. 2 Sunita Negi further told that because the parties to matrimony wanted to live together she does not want to

prosecute her husband and in-laws. She pleaded that the impugned proceedings be quashed.

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, , this Court is of the opinion that petition u/s 482 Cr.P.C., deserves to be allowed. The petition u/s 482 Cr.P.C., is allowed. The proceedings of criminal case No. 383 of 2009, State vs. Deepak Negi and others, relating to offences punishable u/s 420, 498A IPC, and one punishable u/s 3/4 Dowry Prohibition Act, 1961, Police Station Roorkee, pending in the court of Judicial Magistrate, Roorkee, District Hardwar, are hereby quashed. (Compounding application No. 56 of 2012, also stands disposed of)