

(2018) 05 UK CK 0119

In the Uttarakhand High Court

Case No : Writ Petition (Crl.) No. 925 of 2018 with CLMA No.6640 of 2018
(Compounding Application)

DINESH KUMAR GALIYAN AND OTHERS

APPELLANT

Vs

STATE OF UTTARAKHAND AND OTHERS

RESPONDENT

Date of Decision : 24-05-2018

Acts Referred:

Indian Penal Code, 1860 — Section 406, 420, 506

Citation : (2018) 05 UK CK 0119

Hon'ble Judges : V.K. BIST, J

Bench : Single Bench

Advocate : Munish Bhardwaj, Balvinder Singh, Parikshit Saini

Final Decision : Allowed

Judgement

1. This petition has been filed by the petitioner for quashing the F.I.R. dated 27.4.2012, registered as Case Crime No.109 of 2012, under Section 406, 420 & 506 of IPC, Police Station Bazpur, District Udham Singh Nagar on the ground that the dispute has been amicably settled between the parties and the offence has been compounded. Alongwith this writ petition, joint compounding application has also been filed by the parties. In support of compounding application, affidavits have been filed by Mr. Dinesh Kumar Galiyan (petitioner no.1) and Mr. Suresh Chandra (respondent no.3). It is submitted by the learned counsel for the parties that the parties have entered into the compromise and the respondent no.3 does not wants to prosecute his case filed against the petitioners. It is prayed that the offences punishable under Section 406, 420 & 506 of IPC, arising out of F.I.R. dated 27.4.2012, registered as Case Crime No.109 of 2012, registered at Police Station Bazpur District Udham Singh Nagar, may be compounded and

the entire proceedings of the said F.I.R. may be quashed.Â

2. Petitioner no.1 and complainant (respondent no.3) are present in the Court today and they are duly identified by their respective counsel. Petitioner

no.1 and complainant (respondent no.3) categorically stated that the dispute has been settled between them and there is no grievance remained

between each other and they are ready to compound the offences. Respondent no.3 stated that he received all amount due towards the petitioners.Â

3. Learned counsel for the respondent no.3 submitted that dispute between the parties have now been settled amicably and they are left with no

grudges and, now, they want to live peacefully in future.Â Â

4. In view of the principle of law laid down by Honâ??ble the Apex Court in the case of Gian Singh vs. State of Punjab reported in 2012 (10) SCC

303 as well as in Transfer Petition (Criminal) No. 115 of 2012 (Dimpey Gujral vs. Union Territory of Chandigarh) decided on 06.12.2012, criminal

proceedings can be quashed by this Court, if this Court is satisfied that matter has been settled between the parties amicably and parties are interested

to restore peace and harmony between them.Â

5. Having considered submission of learned counsel for the parties and after going through the entire material available on record, I am satisfied that

the matter has been settled between the parties amicably.Â Therefore, the writ petition deserves to be allowed.Â

6. Accordingly, the writ petition is allowed. Impugned F.I.R. dated 27.4.2012, registered as Case Crime No.109 of 2012, under Section 406, 420 & 506

of IPC, registered at Police Station Bazpur, District Udham Singh Nagar, is hereby quashed, so far it relates to the petitioners.

7. Compounding application is, accordingly, disposed of.Â