

(2012) 05 UK CK 0016

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application C-482 No. 421 of 2012

Dushyant Kumar and others

APPELLANT

Vs

State of Uttarakhand and Savita Rani

RESPONDENT

Date of Decision : 01-05-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 120B, 419, 420, 467, 468

Citation : (2012) 05 UK CK 0016

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Advocate : Parikshit Saini, for the Appellant; Mohd. Safdar, Advocate for the respondent no. 2 and Mr. M.A. Khan, brief holder for the State, for the Respondent

Final Decision : Allowed

Judgement

Hon'ble Prafulla C. Pant, J.—Heard. By means of this petition, moved u/s 482 Cr.P.C., the petitioners have sought quashing of proceedings of Criminal Case No. 1391 of 2012 (Old No. 2950 of 2010/938 of 2011) State Vs. Smt. Anju and others, relating to offences punishable u/s 419, 420, 467, 468, 471, 120B of I.P.C., Police Station Bhagwanpur, District Haridwar, pending in the Court of Additional Civil Judge (Senior Division)/ Additional Chief Judicial Magistrate, Roorkee.

2. Learned counsel for the petitioners and learned counsel for the complainant stated before this court that parties have entered into compromise. A compounding application no. 461 of 2012 is filed supported by affidavits of Anju Tyagi and Savita Rani.

3. Smt. Savita Rani (respondent no. 2), the complainant of the case, identified by her counsel Mr. Mohd. Safdar, Advocate, is present in the court. She verified the fact that the property dispute between the parties has amicably been settled. And now she does not want to prosecute the petitioners.

4. In the above circumstances, in view of principle of law laid down in Nikhil Merchant Vs. C.B.I. (2008), 9 SCC page 677 this court is of the view that the petition deserves to be allowed. Therefore, the petition u/s 482 of Cr.P.C. is allowed. The impugned proceedings of criminal case no. 1391 of 2012 (Old no. 2950 of 2010/938 of 2011) State Vs. Smt. Anju and others relating to offence punishable u/s 419, 420, 467, 468, 471, 120B of I.P.C., Police Station-Bhagwanpur, pending in the court of Additional Civil Judge (Senior Division)/ Additional Chief Judicial Magistrate, Roorkee are hereby quashed (Compounding Application no. 461 of 2012 stands disposed of).