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**(2021) 04 UK CK 0005**

**In the Uttarakhand High Court**

**Case No : Criminal Writ Petition No. 568 Of 2021**

Gaurav Kumar Mishra & Others

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

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**Date of Decision : 05-04-2021**

**Acts Referred:**

Indian Penal Code, 1860 — Section 120B, 420  
Information Technology Act, 2000 — Section 66D

**Citation : (2021) 04 UK CK 0005**

**Hon'ble Judges : N.S. Dhanik, J**

**Bench : Single Bench**

**Advocate : Pankaj Miglani, Pratirop Pandey, Aakib Ahmed**

**Final Decision : Allowed**

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## **Judgement**

N.S. Dhanik, J

1. The present criminal writ petition has been filed by the petitioners seeking the following reliefs:

"(i) Issue a writ, order or direction in the nature of certiorari quashing the First Information Report lodged against the petitioners on 14.02.2021, registered at P.S. Kaladhungi, District Nainital as FIR No. 0035 of 2021, under Sections 420 & 120-B of IPC on the basis of compromise.

(ii) Issue a writ, order or direction in the nature of mandamus directing the respondent no. 3 to release the petitioners forthwith."

2. Learned counsel for the petitioners seeks permission to withdraw the compounding application (IA No. 1/2021).

3. Permission is granted.

4. The compounding application (IA No. 1/2021) is dismissed as withdrawn.

5. Now, parties have filed the joint compounding application (IA No. 2/2021)

stating therein that they have entered into compromise and amicably settled their dispute and now the respondent no. 4 does not have any grievance with the petitioner. In support of compounding application, affidavits have been filed by the petitioners and the respondent no. 4.

6. It is submitted that petitioners are in jail and as such the petitioners from jail have authorized in writing to Mr. Ajay Kumar Mishra for doing pairvi on their behalf and the said authorization letter is duly attested by Jailor Sub Jail, Haldwani.

7. Ajay Kumar Mishra (Real brother of petitioner no. 1, doing pairvi on behalf of the petitioners) and Mr. Ghananand Sakta (respondent no. 4/complainant) are present in the Court today, duly identified by their respective counsel.

8. Compounding application bears the signatures/thumb impressions of the petitioners and the respondent no. 4. It has been further stated by the parties that now they have amicably settled their dispute. Therefore, learned Counsel for the parties have submitted that the impugned FIR be quashed in terms of the compromise.

9. Learned State Counsel has no objection to the compounding application.

10. Learned counsel for the petitioners placed reliance upon the judgments of the Hon'ble Apex Court in *Gian Singh v. State of Punjab & Another*, (2012) 10 SCC 303; *B.S. Joshi*, (2003) 4 SCC 675; *Nikhil Merchant*, (2008) 9 SCC 677; and *Manoj Sharma*, (2008) 16 SCC.

11. Considering the facts and circumstances of the case and in view of the legal proposition propounded by the Hon'ble Apex Court, the compounding application is allowed. Compromise arrived at between the parties is accepted. Impugned FIR dated 14.02.2021 arising out of FIR No. 0035 of 2021, registered against the petitioners with PS Kaladhunghi, District Nainital, under Sections 420, 120-B of IPC and Section 66-D of the I.T. Act is quashed in terms of the compromise. Petitioners are in the jail in this case, if they are not wanted in any other cases, they be released forthwith.

12. Registry is directed to send a copy of this order to the concerned jail for compliance.

13. Let a certified copy of this order be issued to the learned counsel for the parties, today itself, on payment of usual charges.