

**(2024) 10 UK CK 0110**

**In the Uttarakhand High Court**

**Case No : Writ Petition Criminal No. 867 Of 2024**

Gokulesh Bhatt And Another

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

**Date of Decision : 21-10-2024**

**Acts Referred:**

Indian Penal Code, 1860 — Section 120B, 420, 467, 468, 471

**Citation : (2024) 10 UK CK 0110**

**Hon'ble Judges : Pankaj Purohit, J**

**Bench : Single Bench**

**Advocate : Sachin Pawar, K.S. Bora, Shumayla Zafri**

**Final Decision : Disposed Of**

## Judgement

Pankaj Purohit, J

1. Mr. Sachin Pawar, learned counsel has produced his Vakalatnam before this Court, which is taken on record. Today, the present matter is listed on Compounding Application No.1 of 2024 duly supported with the affidavit of petitioners and complainant.

2. By means of this writ petition, petitioners has challenged the impugned FIR No.0134 of 2024 dated 25.05.2024, under Section 420 IPC (Judicial remand by learned Additional Chief Judicial Magistrate, Kotdwar under Sections 420, 467, 468, 471 and 120B IPC) registered at Police Station Kotdwar, District Pauri Garhwal (Annexure No.1).

3. Petitioners Gokulesh Bhatt and Vijay Kumar @ Kailash Kumar are present in the Court, who are duly identified by their counsel and complainant-Neelam Bhandari is present through video conferencing who is duly identified by her counsel.

4. According to the case of the prosecution, complainant lodged the FIR against the accused persons including petitioners stating therein that from 26.01.2024

till 14.02.2024, in a series of phone calls and regular visits from Gujarat by the accused and an amount of around Rs.9,50,000/- had been defrauded from the complainant by the petitioners and other accused.

5. Along with the present criminal writ petition, compounding application has also been moved by the petitioners as well as by the respondent No.3-complainant to settle their dispute. It is contended in the compounding application that the dispute between the parties was personnel and not against the society and they want to settle their dispute amicably.

6. On 15.10.2024, both the petitioners were present before this Court, while the respondent No.3-complainant was present through V.C. Respondent No.3-complainant accepted that she had already received an amount of Rs.9,00,000/- in cash through RTGS and a sum of Rs.50,000/- was yet to be paid to her by the petitioners. Vide order dated 15.10.2024, this Court had also directed to pay the lump sum amount of Rs.1,00,000/- to the counsel for the respondent No.3-complainant in the Court on 21.10.2024.

7. Today, learned counsel for the petitioner submitted that the said amount has been paid to learned counsel for the respondent No.3-complainant.

8. The said fact is acknowledged by the learned counsel for the respondent No.3-complainant.

9. Having considered the statement given by both the parties that the whole amount has been paid to the respondent No.3-complainant and the respondent No.3-complainant doesn't want to proceed the proceedings any further against the petitioners, this Court is of the opinion that the present prosecution should come to an end on the basis of compromise. In this view of the matter, compounding application (IA/1/2024) deserves to be allowed.

10. Accordingly, the compounding application (IA/1/2024) is allowed. The impugned impugned FIR No.0134 of 2024 dated 25.05.2024, under Section 420 IPC (Judicial remand by learned Additional Chief Judicial Magistrate, Kotdwar under Sections 420, 467, 468, 471 and 120B IPC) registered at Police Station Kotdwar, District Pauri Garhwal (Annexure No.1), is hereby set aside qua the petitioners.

11. The criminal writ petition is disposed of in terms of the aforesaid compromise.

10. Pending application, if any, also stands disposed of.