
(2022) 06 UK CK 0103

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 1019 Of 2022

Gurmeet Singh And Two Others

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 28-06-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 323, 336

Citation : (2022) 06 UK CK 0103

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : S.K. Mandal, Pratiroop Pandey, Bhupendra Koranga

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. The present application has been filed under Section 482 of the Code of Criminal Procedure, 1973, to quash the entire proceedings of Criminal Case No.887 of 2019, "State vs. Gurmeet Singh and Others", pending before the court of Additional Chief Judicial Magistrate, Khatima, District Udham Singh Nagar.
2. After completion of the investigation, charge-sheet was filed. The learned trial court took the cognizance and passed the summoning order under Sections 336 and 323 of IPC against the present applicants along with a co-accused.
3. Heard Mr. S.K. Mandal, learned counsel for the applicants, Mr. Pratiroop Pandey, learned AGA for the State and Mr. Bhupendra Koranga, learned counsel for the respondent no.2/informant/victim.
4. All the three applicants, namely, Gurmeet Singh, Gagandeep Singh and Chanchal Singh are present in-person before this Court. They are identified by Mr. S.K. Mandal, Advocate.
5. The respondent no.2 – Bahadur Singh, informant/ victim is present in-person

before this Court and he is identified by Mr. Bhupendra Koranga, Advocate.

6. The applicants and the respondent no.2 submitted that there were private disputes between them and after resolving their disputes they have filed a joint Compounding Application (IA No.01 of 2022) along with affidavits with their free will and without any pressure. They further submitted that they are living in peace and harmony. The respondent no.2 submitted that he does not want to proceed with the said criminal case against the present applicants.

7. The learned counsel for the State submitted that the applicants - accused persons had assaulted and fired at the informant/victim, in which, he had sustained internal injuries, therefore, he is opposing the compounding application orally. However, he fairly conceded that the informant/victim did not get any bullet.

8. Section 482 of the Code of Criminal Procedure, 1973 envisages three circumstances in which the inherent jurisdiction may be exercised, namely, "to give effect to an order under the Code, or, to prevent abuse of the process of any Court, or, to secure the ends of justice". Therefore, the inherent jurisdiction should be exercised in appropriate cases to do real and substantial justice.

9. In the present matter, it is noted that the present applicants and the respondent no.2 are living in peace and harmony. In these circumstances, in case, the proceedings are allowed to continue, it would amount to denial of complete justice to the parties. Therefore, it is a fit case, in which, the inherent jurisdiction of this Court should be exercised to do real and substantial justice.

10. Keeping in view of the totality of the facts and circumstances of the case, this Court is of the view that ends of justice would be met, if the entire proceedings of Criminal Case No.887 of 2019, "State vs. Gurmeet Singh and Others", pending before the court of Additional Chief Judicial Magistrate, Khatima, District Udham Singh Nagar, are quashed qua the applicants only.

11. Resultantly, the entire proceedings of Criminal Case No.887 of 2019, "State vs. Gurmeet Singh and Others", pending before the court of Additional Chief Judicial Magistrate, Khatima, District Udham Singh Nagar, are quashed qua the applicants only.

12. The Criminal Miscellaneous Application No.1019 of 2022, filed under Section 482 of the Code of Criminal Procedure, 1973 is disposed of accordingly.