
(2023) 02 UK CK 0108

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 352 Of 2023

Hardeep Singh Nagpal And Others

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 25-02-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 323, 498A, 504, 506
Dowry Prohibition Act, 1961 — Section 3, 4

Citation : (2023) 02 UK CK 0108

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Manoj Joshi, T.C. Agarwal, Meena Bisht, Chandra Prakash

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. Hardeep Singh Nagpal, Kulwant Singh Nagpal and Sarla Nagpal, the applicants-accused persons, have invoked the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973 to quash the entire proceedings of Criminal Case No.5264 of 2021, "State vs. Hardeep Singh Nagpal and two Others", pending before the Court of Judicial Magistrate/IIIrd Additional Civil Judge, Kashipur, District Udham Singh Nagar.

2. Subsequent to submission of charge-sheet, learned Trial Court took the cognizance and passed the summoning order against the present applicants for the offence under Sections 498A, 323, 504, 506 IPC and Section 3/4 of the Dowry Prohibition Act, 1961.

3. Heard Mr. Manoj Joshi, learned counsel for the applicants, Mr. T.C. Agarwal, learned Deputy Advocate General assisted by Mrs. Meena Bisht, learned Brief Holder for the State and Mr. Chandra Prakash, learned counsel for the respondent no.2.

4. Applicant no.1, husband of the respondent no.2, and the respondent no.2-Smt. Gaganpreet, informant-victim, are present in-person. Applicant no.2 and applicant no.3 are present through video conferencing.
5. All the three applicants are identified by Mr. Manoj Joshi, Advocate and the respondent no.2 is identified by Mr. Chandra Prakash, Advocate.
6. Both, the applicant no.1 and the respondent no.2 has submitted that there were matrimonial disputes between them and the said disputes have already been settled. After settlement, they are living together as husband and wife. Applicant no.2 is the father-in-law and the applicant no.3 is the mother-in-law of the respondent no.2. Respondent no.2 further submitted that she does not want to proceed with the said criminal case.
7. Both, the applicants and the respondent no.2 submitted that they have filed a joint compounding application along with affidavits with their free will and without any pressure.
8. Learned counsel for the State submitted that there were matrimonial disputes and the said disputes have already been resolved, therefore, State has no objection.
9. 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.5264 of 2021, "State vs. Hardeep Singh Nagpal and two Others", are quashed.
10. Resultantly, the entire proceedings of the said Criminal Case No.5264 of 2021, "State vs. Hardeep Singh Nagpal and two Others", are quashed.
11. Criminal Miscellaneous Application No.352 of 2023, filed under Section 482 of the Code of Criminal Procedure, is disposed of accordingly.