
(2021) 05 UK CK 0014

In the Uttarakhand High Court

Case No : Writ Petition (Criminal) No. 745 Of 2021

Harjot Singh And Two Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 07-05-2021

Acts Referred:

Indian Penal Code, 1860 — Section 323, 498A, 506
Dowry Prohibition Act, 1961 — Section 3, 4

Citation : (2021) 05 UK CK 0014

Hon'ble Judges : Narayan Singh Dhanik, J

Bench : Single Bench

Advocate : Abhishek Verma, J.S.Virk, Mehboob Rahi

Final Decision : Disposed Of

Judgement

Narayan Singh Dhanik, J

1. Heard through Video Conferencing.

2. Present criminal writ petition has been filed by the petitioners seeking the following reliefs:

â??(i) Issue a writ or order or direction in the nature of certiorari quashing the impugned first information report dated 01.04.2021 registered as FIR

No. 0134 of 2021, under Sections 323,498-A, 506 of IPC and Section Â¾ of Dowry Prohibition Act, 1961 at Police Station Kashipur, District Udham

Singh Nagar, lodged by the respondent no.3 as against the petitioners.

(ii) Issue a writ or order or direction in the nature of mandamus directing the respondent no. 2 to not to arrest the petitioners in pursuance of the FIR

dated 01.04.2021 registered as FIR No. 0134 of 2021, under Sections 323, 498-A, 506 of IPC and Section Â¾ of Dowry Prohibition Act, 1961 at

Police Station Kashipur, District Udham Singh Nagar, lodged by the respondent no.3 as against the petitioners.

(iii) And/or pass such other order as this Honâ??ble Court may deem fit and proper under the circumstances of the case.â??

3. Now, parties have filed a joint compounding application being IA No. 01 of 2021 stating therein that they have entered into compromise and

amicably settled their disputes and now the complainant/respondent no.3 does not have any grievance with the petitioners. In support of compounding

application, affidavits have been filed by the petitioner no. 1 as well as respondent no. 3 / complainant- Smt. Manpreet Kaur. Petitioners and

respondent no. 3, duly identified by their respective Counsels, are present through Video Conferencing and they ratified the above facts too.

Application bears the signature and respondent no. 3. They have further stated that now they have amicably settled their disputes. Therefore, learned

Counsel for the parties have submitted that the impugned FIR be quashed in terms of the compromise.

4. Learned State Counsel raised formal objections to the compounding application.

5. In view of the above, as also the authority of the Honâ??ble Apex Court and also the proposition of law laid down by the Honâ??ble Apex Court

in *Nikhil Merchant v. C.B.I. & Ors*, (2008) 9 SCC 677; *B.S. Joshi v. State of Haryana & Anr.* reported in (2003) 4 SCC 675, and in *Gian Singh*

v. State of Punjab & Another, (2012) 10 SCC 303, where there is a genuine compromise and there is hardly any likelihood of the offender being

convicted and continuance of the proceedings, after the compromise having been arrived at between the parties, would be a futile exercise, the

compromise should be accepted and the proceedings should be quashed.

6. Considering the facts and circumstances of the case and the legal proposition propounded by the Honâ??ble Apex Court, compounding application

is allowed. Compromise arrived at between the parties is accepted.

7. Consequently, the impugned FIR dated 1.04.2021 registered as FIR No. 0134 of 2021, for the offences punishable under Sections 323, 498-A, 506

of IPC and Section 3 of Dowry Prohibition Act, 1961, at Police Station Kashipur, District Udham Singh Nagar, is quashed in terms of the

compromise arrived at between the parties.

8. Writ petition stands disposed of accordingly.