
(2022) 08 UK CK 0008

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 1307 Of 2022

Javir And Others

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 01-08-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 323, 452, 498A, 504, 506
Dowry Prohibition Act, 1961 — Section 3, 4
Muslim Women (Protection Of Rights On Marriage) Act, 2019 — Section 3, 4

Citation : (2022) 08 UK CK 0008

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Lalit Sharma, Lata Negi, Hanif Ahmed

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. This is an application, filed under Section 482 of the Code of Criminal Procedure, 1973, to quash the entire proceedings of Criminal Case No. 1548 of 2021, "State vs. Javir and Others", pending before the Court of Judicial Magistrate, Khatima, District Udham Singh Nagar.

2. Subsequent to the submission of charge-sheet, the learned trial court took cognizance and passed the summoning order under Sections 323, 504, 506, 452, 498A of IPC, Section 3/4 of the Dowry Prohibition Act, 1961 and Section 3/4 of the Muslim Women (Protection of Rights On Marriage) Act, 2019, against the applicant-accused Javir, and, summoning order was passed under Sections 323, 504, 506, 452, 498-A of IPC and Section 3/4 of the Dowry Prohibition Act, 1961 against the remaining applicants-accused persons, namely, Smt. Amna, Ishtyak, Smt. Shameem and Nisha alias Kamrunisha.

3. Heard Mr. Lalit Sharma, learned counsel for the applicants, Mrs. Lata Negi,

learned Brief Holder for the State and Mr. Hanif Ahmed, learned counsel holding brief of Mr. Azmeen, learned counsel for the respondent no. 2.

4. All the five applicants and the respondent no. 2-Smt. Ishrat Noori, the informant/victim, are present in-person. The applicants are identified by Mr. Lalit Sharma, Advocate. The respondent no. 2 is identified by Mr. Hanif Ahmed, Advocate.

5. Both, the applicants and the respondent no. 2 submitted that there were matrimonial disputes between them and they have resolved their disputes and after resolving their matrimonial disputes, they have filed a joint compounding application along with affidavits.

6. The respondent no. 2, Smt. Ishrat Noori further submitted that she has filed her affidavit with her free will and without any pressure and she does not want to proceed with the said criminal case against the applicants.

7. The learned counsel appearing for the State submitted that there were matrimonial disputes between the parties and they have resolved their disputes.

8. 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. 1548 of 2021, "State vs. Javir and Others", pending before the Court of Judicial Magistrate, Khatima, District Udham Singh Nagar, are quashed.

9. Resultantly, the entire proceedings of Criminal Case No. 1548 of 2021, "State vs. Javir and Others", pending before the Court of Judicial Magistrate, Khatima, District Udham Singh Nagar, are quashed.

10. The Criminal Miscellaneous Application No.1307 of 2022, filed under Section 482 of the Code of Criminal Procedure, is disposed of accordingly.