
(2018) 05 UK CK 0006

In the Uttarakhand High Court

Case No : Writ Petition (Crl.) No. 739 of 2018 with CLMA No. 5467 of 2018
(Compounding Application)

KULDEEP SINGH BHAGAT AND ANOTHER

APPELLANT

Vs

STATE OF UTTARAKHAND AND OTHERS

RESPONDENT

Date of Decision : 02-05-2018

Acts Referred:

Citation : (2018) 05 UK CK 0006

Hon'ble Judges : V.K. BIST, J

Bench : Single Bench

Advocate : Kailash Joshi, Lalit Miglani, B.M. Pingal

Final Decision : Disposed Off

Judgement

1. This petition has been filed by the petitioners for quashing the F.I.R. dated 29.03.2018, bearing F.I.R. No. 09 of 2018, under Section 323, 352, 504

& 506 of I.P.C., registered at Police Station Bhimtal, District Nainital. Alongwith this writ petition, a joint compounding application has also been filed

by the parties.Â In support of compounding application, affidavits have been filed by Mr. Kuldeep Singh Bhagat (petitioner no. 1), Mr. Pankaj Kumar

Nigaltiya (respondent no. 3) and Mr. Himanshu Nigaltiya (respondent no. 4).Â It is submitted by the learned counsel for the parties that the parties

have entered into the compromise and the matter has been amicably settled between them and the respondent no. 3 does not want to press his case

filed against the petitioners.Â It is prayed that the offences punishable under Section 323, 352, 504 & 506 of I.P.C., arising out of F.I.R. dated

29.03.2018, bearing F.I.R. No. 09 of 2018, registered at Police Station Bhimtal, District Nainital, may be compounded and the entire proceedings of

the said F.I.R. may be quashed.Â

2. Petitioners and respondent nos. 3 & 4 are present in the Court today and they are duly identified by their respective counsel.Â Â

3. Learned counsel for the respondent no. 3 submitted that dispute between the parties has now been settled amicably and they are left with no

grudges and, now, they want to live peacefully in future.Â Â

4. In view of the principle of law laid down by Honâ??ble the Apex Court in the case of Gian Singh vs. State of Punjab reported in 2012 (10) SCC

303 as well as in Transfer Petition (Criminal) No. 115 of 2012 (Dimpey Gujral vs. Union Territory of Chandigarh) decided on 06.12.2012, criminal

proceedings can be quashed by this Court, if this Court is satisfied that matter has been settled between the parties amicably and parties are interested

to restore peace and harmony between them.Â

5. Having considered submission of learned counsel for the parties and after going through the entire material available on record, I am satisfied that

the matter has been settled between the parties amicably.Â Therefore, the writ petition deserves to be allowed.Â

6. Accordingly, the writ petition is allowed. Impugned F.I.R. dated 29.03.2018, bearing F.I.R. No. 09 of 2018, under Section 323, 352, 504 & 506 of

I.P.C., registered at Police Station Bhimtal, District Nainital, is hereby quashed.Â Â

7. Compounding application is, accordingly, disposed of.Â