
(2018) 02 UK CK 0009
In the Uttarakhand High Court
Case No : 303 of 2017

Mahesh Chandra Joshi.

APPELLANT

Vs

State of Uttarakhand

RESPONDENT

Date of Decision : 19-02-2018

Acts Referred:

[Indian Penal Code, 1860](#), [Section 307](#),
[Section 323](#), [Section 323](#), [Section 506](#), [Section 504](#) - Attempt to
murder - Punishment for vol

Citation : (2018) 02 UK CK 0009

Hon'ble Judges : V.K. Bist

Bench : Single Bench

Advocate : B.S. Bhandari, Kartikey Hari Gupta, Sarita Bisht

Judgement

1. This Appeal is directed against the judgment and order dated 13.10.2017, passed by the learned Sessions Judge, Rudrapur, District Udham

Singh Nagar, in Sessions Trial No. 01 of 2010 (New Computer Generated File No. 01 of 2010) ""State Vs. Mahesh Chandra Joshi"", whereby the

said court has convicted accused/appellant Mahesh Chandra Joshi under Sections 307, 323, 504 & 506 I.P.C., and sentenced him rigorous

imprisonment for a period of seven years and directed to pay fine of Rs. 15,000/- under Section 307 I.P.C., and in default of payment of fine

further simple imprisonment for a period of one year, rigorous imprisonment for a period of six months under Section 323 I.P.C., rigorous

imprisonment for a period of six months under Section 504 I.P.C., rigorous imprisonment for a period of six months under Section 506 I.P.C. It

was directed that all the sentences shall run concurrently.

2. Alongwith this Criminal Appeal, joint compounding application has also been

filed by the appellant and injured/victim. In support of compounding application, affidavits have been filed by Mr. Mahesh Chandra Joshi (appellant) and Mr. Ramesh Chandra Joshi (injured/victim). 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 injured/victim does not want to press his case filed against the appellant. It is prayed that, in view of the amicable settlement between the parties, the offences may be compounded and the impugned judgment & order dated 13.10.2017, passed by the learned Sessions Judge, Rudrapur, District Udham Singh Nagar, in Sessions Trial No. 01 of 2010 (New Computer Generated File No. 01 of 2010) ""State Vs. Mahesh Chandra Joshi"", arising out of F.I.R. No. 45 of 2009 for the offences punishable under Section 307, 323, 504, 506 I.P.C., P.S. Nanakmatta, District Udham Singh Nagar, may be quashed.

3. I have been informed that the complainant has died. Appellant as well as injured/victim are present in the Court today and they are duly identified by their respective counsel.

4. Learned counsel for the appellant submitted that, during the pendency of this Criminal Appeal, the appellant and injured/victim have settled their dispute amicably outside the Court, hence, the injured/victim is not interested in pursuing the case against the appellant and does not want to prosecute the said case against the appellant.

5. Mr. Ramesh Chandra Joshi (injured/victim) appeared before me and submitted that the instant case is the outcome of a dispute between two families regarding their personal grudge and parties are closely related to each other. He submitted that, due to intervention of family friends of both the families, the appellant and injured/victim have settled their dispute amicably and, as such, no dispute remains between them and he does not want to prosecute the appellant.

6. In view of the principle of law laid down by Hon"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.

7. Having considered submission of learned counsel for the parties and after going through the entire material available on record and also

considering the statement of injured/victim, I am satisfied that the matter has been settled between the parties amicably. Therefore, this Court is of

the view that, in the interest of justice, the injured/victim should be permitted to compound the offences proved against the appellant.

8. Accordingly, the Compounding Application is allowed. As a consequence of such compounding, the conviction and sentence recorded against

the appellant is hereby set aside. Appellant stands acquitted from the charge framed against him. The appellant is on bail. He need not to surrender.

His personal bonds and sureties are hereby discharged.

9. The Criminal Appeal thus stands disposed of on the basis of compromise entered into between the injured/victim and the appellant.

10. Let the lower Court's record along with the copy of this judgment be forwarded to the learned trial Court for information.