

(2020) 09 UK CK 0013

In the Uttarakhand High Court

Case No : Writ Petition (Criminal) No. 828, 829 Of 2020

Mohd. Jakir And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 04-09-2020

Acts Referred:

Indian Penal Code, 1860 — Section 323, 498A, 504, 506

Citation : (2020) 09 UK CK 0013

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Pranav Singh, Sachin Panwar, Sanjay Kumar

Final Decision : Allowed

Judgement

Ravindra Maithani, J

1. Both these writ petitions have been filed by the petitioners for quashing the impugned F.I.R No. 319 of 2020 under Sections 323, 498-A, 504 and 506 IPC, Police Station Kashipur, District Udham Singh Nagar, on the basis of amicable settlement between the parties.

2. Heard learned counsel for the parties and perused the records through video conferencing.

3. The FIR is lodged by respondent no.3 Rashida. According to it from nine years prior to lodging of the FIR, she was married to the petitioner Mohd. Jakir, but soon thereafter, she was harassed and tortured for the demand of dowry. According to the FIR even petitioner Mohd. Jakir had married petitioner Shagufta and when objected to, she was further beaten up. There are other details as well in the FIR.

4. Today, learned counsel for the petitioners as well as private respondent would submit that parties have amicably settled the dispute. There were some misunderstanding between the husband and the wife, which has been resolved

and both are staying together.

5. Petitioner Mohd. Jakir and Shagufta have joined these proceedings through video conferencing as identified by their learned counsel Mr. Pranav Singh. Informant, who is respondent no.3 Rashida has also joined through video conferencing, she is identified by Mr. Sanjay Kumar, Advocate. Parties have submitted that they have amicably settled the dispute. Especially, respondent no.3 Rashida would tell the Court that now, she is staying with her husband and they have resolved their dispute.

6. It is a matrimonial discord. Husband and wife as stated are staying together. No purpose would be served, if the prosecution is allowed to continue. Therefore, this Court is of the view that the writ petition deserves to be allowed and FIR in question may be quashed.

7. Accordingly, the writ petitions are allowed. Impugned F.I.R No. 319 of 2020 under Sections 323, 498-A, 504 and 506 IPC, Police Kashipur, District Udham Singh Nagar, is hereby quashed qua the petitioners.

8. Compounding Application Nos. being CLMA No. 6685 of 2020 and CLMA No. 6686 of 2020 stands disposed of accordingly.