
(2022) 06 UK CK 0015

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 820 Of 2022

Mohd. Najim Mansoori

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 08-06-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 376, 504, 506

Citation : (2022) 06 UK CK 0015

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Vikas Kumar Guglani, V.S. Rathore, B.S. Koranga

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. The applicant - accused Mohd. Najim Mansoori has invoked the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973, to quash the charge-sheet, cognizance/ summoning order dated 30.07.2021 and the entire proceedings of Sessions Trial No.112 of 2021,"State vs. Mohd. Najim Mansoori", pending before the FTSC/ Additional District and Sessions Judge, Udham Singh Nagar.

2. Subsequent to submission of the charge-sheet, the learned trial court took the cognizance and passed the summoning order against the present applicant under Sections 376, 504 and 506 of IPC. The said case was committed to the Court of Session.

3. Heard Mr. Vikas Kumar Guglani, learned counsel for the applicant, Mr. V.S. Rathore, learned AGA for the State and Mr. B.S. Koranga, learned counsel for the respondent no.2/informant/victim.

4. The respondent no.2 – Smt. Salma Bee is present in-person before this Court

and she is identified by Mr. B.S. Koranga, Advocate.

5. The applicant – accused Mohd. Najim Mansoori is present in-person before this Court and he is identified by Mr. Vikas Kumar Guglani, Advocate.

6. The applicant and the respondent no.2 submitted that they are living jointly in peace and harmony as husband and wife and after resolving their matrimonial disputes, they have filed a joint Compounding Application (IA No.01 of 2022) along with affidavits with their free will and without any pressure. The respondent no.2 further submitted that she does not want to proceed with the said criminal case.

7. The learned counsel appearing for the State submitted that there were matrimonial disputes between the parties and they have resolved their disputes, therefore, the State has no objection.

8. Though, this Court would normally be hesitant to quash the charge-sheet and cognizance order under Section 376 of IPC, it is noticed that the applicant – accused and the respondent no.2/informant/victim are living in peace and harmony as husband and wife. In these circumstances, in case proceedings are allowed to continue, it would amount to denial of complete justice to the parties. Therefore, it is a fit case, in which the inherent jurisdiction of this Court should be exercised to do real and substantial justice.

9. 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 impugned charge-sheet, cognizance/ summoning order dated 30.07.2021 and the entire proceedings of Sessions Trial No.112 of 2021, "State vs. Mohd. Najim Mansoori", pending before the FTSC/ Additional District and Sessions Judge, Udham Singh Nagar, are quashed.

10. Resultantly, the charge-sheet, cognizance/ summoning order dated 30.07.2021 and the entire proceedings of Sessions Trial No.112 of 2021, "State vs. Mohd. Najim Mansoori", pending before the FTSC/ Additional District and Sessions Judge, Udham Singh Nagar, are quashed.

11. The Criminal Miscellaneous Application No.820 of 2022, filed under Section 482 of the Code of Criminal Procedure, is disposed of accordingly.