

(2011) 07 UK CK 0181

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application (C-482) No. 617 of 2011 and
Compounding Application No. 776 of 2011

Moin Khan

APPELLANT

Vs

State of Uttarakhand and Shafali Arya

RESPONDENT

Date of Decision : 15-07-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 294, 323, 452, 504, 506

Citation : (2011) 07 UK CK 0181

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Prafulla C. Pant, J.—Heard.

2. By means of this petition, moved u/s 482 of the Code of Criminal Procedure, 1973, the Petitioner has sought quashing of the proceedings of Criminal Case No. 287 of 2011, State v. Moin Khan, relating to offences punishable u/s 452, 323, 504, 506 and 294 of I.P.C., police station Kashipur, pending in the court of Addl. Chief Judicial Magistrate, Kashipur, District Udham Singh Nagar.

3. Learned Counsel of the parties state that Respondent No. 2 Shafali Arya has compounded the compoundable offences with the Petitioner Moin Khan (accused). It is pleaded that now she does not want to prosecute the Petitioner even in respect of non-compoundable offences punishable u/s 294 and 452 of I.P.C.

4. A Compounding Application No. 776 of 2011 has been moved on behalf of the Petitioner and Respondent No. 2, supported by affidavit.

5. Respondent No. 2 Shafali Arya, identified by her counsel, is present in the court, and she verified the compromise.

6. In the above circumstances, considering the nature of the offences mentioned in the charge sheet, this Court is of the view, that in the interest of justice, this petition u/s 482 of Code of Criminal Procedure deserves to be allowed, as no useful purpose would be served by proceeding in respect of offences punishable u/s 294 and 452 of I.P.C., only.

7. Therefore, the compounding application is allowed. The petition u/s 482 of Code of Criminal Procedure is also allowed. The proceedings of Criminal Case No. 287 of 2011, State v. Moin Khan, relating to offences punishable u/s 452, 323, 504, 506, 294 of I.P.C., police station Kashipur, pending in the court of Addl. Chief Judicial Magistrate, Kashipur, District Udham Singh Nagar, are hereby quashed.