

(2011) 09 UK CK 0140

In the Uttarakhand High Court

Case No : Miscellaneous Application No. 755 of 2011 and Urgency Application No. 3567 of 2011 in Criminal Miscellaneous Application (C-482) No. 47 of 2011

Narain Penuli

APPELLANT

Vs

State of Uttarakhand and Smt. Preeti Penuli

RESPONDENT

Date of Decision : 23-09-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482

Dowry Prohibition Act, 1961 — Section 3, 4

Penal Code, 1860 (IPC) — Section 498A, 506

Citation : (2011) 09 UK CK 0140

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 Code of Criminal Procedure, 1973, the Petitioner has sought quashing of the proceedings of Criminal Case No. 293 of 2010, State of Uttarakhand v. Narain Painuli, relating to offences punishable u/s 498A and 506 of I.P.C, and one punishable u/s 3/4 of Dowry Prohibition Act, 1961, Police Station Dalanwala, pending in the court of Chief Judicial Magistrate, Dehradun.

3. Learned Counsel for the Petitioner submitted that parties to matrimony have entered into compromise, and they have decided to get quashed the proceedings of the aforesaid case. Attention of this Court is drawn to certified copy of decree passed by Principal Judge Family Court, Dehradun, in Suit No. 251 of 2010, Narain Painuly v. Preeti Painuly which was decided by said court in terms of compromise 21A. Certified copy of said decree alongwith the compromise is annexed as Annexure-3 to the affidavit filed with the Criminal Misc. Application No. 755 of 2011. The compromise entered between the parties to the matrimony

clearly indicates that the Respondent No. 2 does not want to prosecute the Petitioner, and she has agreed to get the case in question, quashed. Another compromise to the same effect dated 18.02.2011, is also on the record, which is annexed as Annexure -2 to the petition.

4. In the above circumstances, in view of principle of law laid down in B.S. Joshi and Others Vs. State of Haryana and Another, , this petition deserves to be allowed.

5. Accordingly, the petition u/s 482 of Code of Criminal Procedure, is allowed. The proceedings of Criminal Case No. 293 of 2010, State of Uttarakhand v. Narain Painuli, relating to offences punishable u/s 498A and 506 of I.P.C, and one punishable u/s 3/4 of Dowry Prohibition Act, 1961, Police Station Dalanwala, pending in the court of Chief Judicial Magistrate, Dehradun, are hereby quashed. (Urgency Application No. 3567 of 2011 and Criminal Misc. Application No. 755 of 2011, stand disposed of).