

(2022) 11 UK CK 0084

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 2081 Of 2019

Nishant Sharma And Others

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 28-11-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 323, 498A, 504
Dowry Prohibition Act, 1961 — Section 3, 4

Citation : (2022) 11 UK CK 0084

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : P.C. Petshali, Yogesh Upadhyay, Rohit Dhyani, D.N. Sharma

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. The applicants, namely, Nishant Sharma, Nirmal Kumar Sharma and Smt. Mini Sharma alias Meenakashi Sharma, have invoked the inherent jurisdiction of this High Court under Section 482 of the Code of Criminal Procedure, 1973 to quash the entire proceedings of Criminal Case No.2697 of 2019, "State vs. Nishant Sharma and Others", pending before the Court of Additional Chief Judicial Magistrate, Dehradun for the offence under Sections 498A, 323, 504 of the Indian Penal Code, 1860 and Section 3/4 of the Dowry Prohibition Act, 1961.

2. Heard Mr. P.C. Petshali and Mr. Yogesh Upadhyay, learned counsel for the applicants, Mr. Rohit Dhyani, learned Brief Holder for the State and Mr. D.N. Sharma, learned counsel for the respondent no.2.

3. The applicant – accused Nishant Sharma is present in-person before this Court and he is identified by Mr. P.C. Petshali, Advocate. The respondent no.2 – Smt. Tripti Sharma/informant/victim is present in-person before this Court and she is identified by Mr. D.N. Sharma, Advocate.

4. Both, the applicants and the respondent no.2 submitted that there were matrimonial disputes between them and they have resolved their disputes. They have filed a Compromise Application (IA No.15248 of 2022) along with their affidavits with their free will and without any pressure. Earlier, the case was sent for mediation. The mediation between the parties was successful.
5. The respondent no.2 – Smt. Tripti Sharma further submitted that she does not want to proceed with the said criminal case.
6. Learned counsel for the State submitted that there were matrimonial disputes between the applicants and the respondent no.2 and they have resolved their disputes, therefore, the State has no objection.
7. Keeping in view of the totality of the fact and circumstances of the case, this Court is of the view that ends of justice would be met, if the entire proceedings of Criminal Case No.2697 of 2019, "State vs. Nishant Sharma and Others", pending before the Court of Additional Chief Judicial Magistrate, Dehradun for the offence under Sections 498A, 323, 504 of the Indian Penal Code, 1980 and Section 3/4 of the Dowry Prohibition Act, 1961, are quashed.
8. Resultantly, the entire proceedings of Criminal Case No.2697 of 2019, "State vs. Nishant Sharma and Others", pending before the Court of Additional Chief Judicial Magistrate, Dehradun for the offence under Sections 498A, 323, 504 of the Indian Penal Code, 1980 and Section 3/4 of the Dowry Prohibition Act, 1961, are quashed.
9. The Criminal Misc. Application (No.2081 of 2019), filed under Section 482 of the Code of Criminal Procedure, 1973, is disposed of accordingly.