

(2012) 04 UK CK 0006

In the Uttarakhand High Court

Case No : Stay Application No. 1344 of 2011 Compounding Application No. 195 of 2012 In CRIMINAL Miscellaneous APPLICATION (C- 482) No. 1030 of 2011

Pradeep Kumar Saxena

APPELLANT

Vs

State of Uttarakhand and Prem Bhallabh Pandey

RESPONDENT

Date of Decision : 24-04-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 380, 420, 467, 468, 471

Citation : (2012) 04 UK CK 0006

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Advocate : B.M. Pingal, for the Appellant; M.A. Khan, Brief Holder and Shri P.C. Petshali, for the Respondent

Final Decision : Allowed

Judgement

Prafulla C. Pant, J.—Heard. By means of this petition moved u/s 482 of Cr.P.C., the petitioner has sought quashing of the proceedings of Criminal Case No. 675 of 2011 (arisen out of F.I.R. No. 29 of 2011) State vs. Tasleem Ahmad and others, relating to offences punishable u/s 420, 467, 468, 471, 380 and 494 of I.P.C., Police Station Kashipur, District Udham Singh Nagar, pending in the court of Additional Chief Judicial Magistrate, Kashipur.

2. Learned counsel for the petitioner, and learned counsel for the complainant stated before this Court that parties have entered into compromise, and the complainant (respondent no.2) does not want to prosecute the petitioner. A compounding Application No. 195 of 2012 has been moved before this Court supported by affidavits of Pradeep Kumar Saxena and Prem Bhallabh Pandey (respondent no.2).

3. Respondent no.2 Prem Bhallabh Pandey, identified by his counsel, Shri P. C. Petshali, Advocate, is present in court, and he verified the fact that property

dispute between the parties has been amicably settled and he does not want to prosecute the petitioner and other accused.

4. In the above circumstances, in view of principle of law laid down in Nikhil Merchant Vs. Central Bureau of Investigation and Another (2008) 9SCC Page 677, the petition deserves to be allowed. Accordingly, the petition u/s 482 of Cr.P.C., is allowed. The impugned proceedings of Criminal Case No. 675 of 2011 (arisen out of F.I.R. No. 29 of 2011) State vs. Tasleem Ahmad and others, relating to offences punishable u/s 420, 467, 468, 471, 380 and 494 of I.P.C., Police Station Kashipur, District Udham Singh Nagar, pending in the court of Additional Chief Judicial Magistrate, Kashipur, are hereby quashed. (Compounding Application No. 195 of 2012 stands disposed of).