

(2018) 05 UK CK 0127

In the Uttarakhand High Court

Case No : Compounding Application No.960 of 2018 In Criminal Misc. Application No.859 of 2018

PRADEEP NAUTIYAL AND ANOTHER

APPELLANT

Vs

STATE OF UTTARAKHAND AND ANOTHER

RESPONDENT

Date of Decision : 25-05-2018

Acts Referred:

Indian Penal Code, 1860 — Section 323, 498A, 504, 506
Code Of Criminal Procedure, 1973 — Section 482
Dowry Prohibition Act, 1961 — Section 3, 4

Citation : (2018) 05 UK CK 0127

Hon'ble Judges : V.K. BIST, J

Bench : Single Bench

Advocate : B.S. Koranga, S.K. Chaudhary, Pawan Mishra

Final Decision : Allowed

Judgement

1. Present criminal misc. application under section 482 has been filed by the applicants with the prayer to quash the charge sheet dated 26.12.2010

(Annexure No.3 to the accompanying affidavit), cognizance order dated 19.01.2011 (Annexure No.4 to the accompanying affidavit), passed by

Special Judicial Magistrate, C.B.I., Dehradun and the proceeding of criminal case no.25 of 2011 State vs. Pradeep Nautiyal and another under Section

498-(A), 323, 504 and 506 IPC and Section 3/4 of Dowry Prohibition Act, pending in the court of Additional Chief Judicial Magistrate, Ist, Dehradun

on the ground that the dispute has been amicably settled between the parties and the offence has been compounded. Alongwith the criminal misc.

application, compounding application has been filed. In support of compounding application, compromise affidavit has been filed by the respondent

no.2. In the affidavit, it is stated by the respondent no.2 that applicants and

respondent no.2 have settled their matrimonial dispute amicably outside the Court and the applicant no.1 and respondent no.2 are living together as husband and wife. It is stated that respondent no.2 has no grievance remain from the applicants, as such the matter between the parties has been settled amicably and the respondent no.2 does not wish to carry the criminal litigation against the applicants.Â Â

2. It is prayed that the entire proceedings of Criminal Case No.25 of 2011, State vs. Pradeep Nautiyal and another under Sections 498-(A), 323, 504

and 506 IPC and Section 3/4 of Dowry Prohibition Act, pending in the court of Additional Chief Judicial Magistrate, Ist, Dehradun and charge sheet

dated 26.12.2010, cognizance order dated 19.01.2011 passed by the Special Judicial Magistrate, C.B.I., Dehradun may be quashed.

3. Parties are present in the Court today and they are duly identified by their respective counsel. They admit the compromise.Â

4. In view of the principle of law laid down by Honâ??ble the Apex Court in the case of Gian Singh vs. State of Punjab reported in 2012 (10) SCC

303 as well as in Transfer Petition (Criminal) No.115 of 2012 (Dimpey Gujral vs. Union Territory of Chandigarh) decided on 06.12.2012, criminal

proceedings can be quashed by the Court, if Court is satisfied that matter has been settled between the parties amicably and parties are interested to

restore peace and harmony between them.Â

Having considered submissions of learned counsel for the parties, and after going through the entire material available on record, I am satisfied that

the matter has been settled between the parties amicably. Therefore, the criminal misc. application deserves to be allowed.Â

5. Accordingly, the criminal misc. application filed under section 482 is allowed. Entire proceedings of Criminal Case No.25 of 2011, State vs. Pradeep

Nautiyal and another under Sections 498-(A), 323, 504 and 506 IPC and Section 3/4 of Dowry Prohibition Act, pending in the court of Additional

Chief Judicial Magistrate, Ist, Dehradun and charge sheet dated 26.12.2010, cognizance order dated 19.01.2011 passed by the Special Judicial

Magistrate, C.B.I., Dehradun, so far same relate to the applicants, are hereby quashed.

6. Compounding application is, accordingly, disposed of.Â