

(2022) 05 UK CK 0020

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 830 Of 2022

Pravesh Kumar And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 06-05-2022

Acts Referred:

Indian Penal Code, 1860 — Section 420
Constitution Of India, 1950 — Article 226

Citation : (2022) 05 UK CK 0020

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Kurban Ali, Pramod Tiwari, Saiyad Zeenat Lubhna Jahan

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. This Criminal Writ Petition has been filed under Article 226 of the Constitution of India to issue a writ of certiorari to quash the impugned First Information Report No.66 of 2022, registered with Police Station Kotdwar, District Pauri Garhwal for the offence under Section 420 of IPC.

2. Heard Mr. Kurban Ali, the learned counsel for the petitioners, Mr. Pramod Tiwari, the learned Brief Holder for the State/respondent nos.1 and 2 and Ms. Saiyad Zeenat Lubhna Jahan, the learned counsel for the private respondent no.3.

3. Mr. Kurban Ali, the learned counsel for the petitioners submitted that all the three petitioners, namely, Pravesh Kumar, Lavkush and Rohit Kumar are in judicial custody and at present, they are in District Jail, Pauri. He further submitted that the vakalatnama, signed by all the three petitioners and verified by the Superintendent of the said jail, are on record.

4. Digambar Singh Rawat, the respondent no.3, informant and the victim is present before the Court. He is identified by Ms. Saiyad Zeenat Lubhna Jahan,

Advocate.

5. The learned counsel for the State submitted that instructions have been received from the Investigating Officer and according to the said instructions, only the petitioners are wanted in this matter.

6. Digambar Singh Rawat, the respondent no.3 submitted that there were some private disputes between him and the petitioners and the said disputes have been resolved. He further submitted that he does not want to proceed against the petitioners with the impugned First Information Report.

7. Digambar Singh Rawat, the respondent no.3 submitted that a Joint Compounding Application has been filed along with affidavits with their free will and without any pressure.

8. The learned counsel for the State submitted that the private disputes are resolved by the respondent no.3 and the petitioners, therefore, the State has no objection.

9. Keeping in view of the totality of the facts and circumstances of the case, this Court is of the view that ends of justice would be met, if the First Information Report No.66 of 2022, registered with Police Station Kotdwar, District Pauri Garhwal for the offence under Section 420 of IPC, is quashed.

10. Resultantly, the impugned First Information Report No.66 of 2022, registered with Police Station Kotdwar, District Pauri Garhwal for the offence under Section 420 of IPC, is hereby quashed.

11. The Criminal Writ Petition No.830 of 2022 stands disposed of, accordingly.

12. Let a copy of this order be sent to the Superintendent of District Jail, Pauri forthwith for necessary action.