
(2014) 08 UK CK 0042

In the Uttarakhand High Court

Case No : Criminal Misc. Application No. 986 of 2014

Rahul

APPELLANT

Vs

State of Uttarakhand

RESPONDENT

Date of Decision : 28-08-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Protection of Women From Domestic Violence Act, 2005 — Section 12

Citation : (2014) 2 NCC 581

Hon'ble Judges : Umesh Chandra Dhyani, J

Bench : Single Bench

Advocate : M.K. Goyal, Advocate for the Appellant; D.K. Sharma, Learned Additional Advocate General, assisted by K.S. Rawal, Brief Holder, Advocate for the Respondent

Judgement

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Umesh Chandra Dhyani, J.—By means of present application under Section 482 Cr.P.C., the applicants seek to quash the Complaint Case No. 5 of 2011, captioned as Smt. Preeti Goyal v. Rahul Goyal and one another, pending the Court of Civil Judge (J.D.)/Judicial Magistrate, Nainital, under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the Act). A Criminal Complaint Case was filed by the respondent No. 2 against the applicants in the Court of Civil Judge (J.D.)/Judicial Magistrate, Nainital, under Section 12 of the Act. On the basis of such complaint, the applicants were summoned to face the trial.

2. A compounding application being CRMA No. 1279 of 2014 is filed by the parties to indicate that they have buried their differences and have settled their disputes amicably. The compounding application is supported by the affidavits of Smt. Priti Goyal (respondent No. 2, victim-wife) and the petitioner No. 1 Rahul Goyal (husband). Respondent No. 2 Smt. Preeti Goyal @ Priti Bisht is present in person, duly identified by her counsel Mr. Yogesh Tiwari, Advocate.

3. Petitioner No. 1 Rahul Goyal, is also present, duly identified by his counsel Mr. M.K. Goyal, Advocate. Respondent No. 2 Smt. Priti Goyal stated that she has received her stridhan, and articles from the applicant. She has also received one time alimony of Rs. 3,50,000/- vide bank draft No. 359822, dated 23.08.2014, issued by Oriental Bank of Commerce. She further stated that both of them (husband and wife) have decided to have separation from each other, for which they will file suit for divorce with mutual consent. She also stated that she is not interested in prosecuting the applicant. In other words, respondent No. 2 (the person aggrieved) has exonerated the present applicant.

4. Since the parties have resolved their disputes amicably and the respondent No. 2 (victim) is not interested in pursuing the proceedings under Section 12 of the Act, therefore, the application under Section 482 Cr.P.C. is allowed in the interest of justice. As a consequence thereof, the Complaint Case No. 5 of 2011, captioned as Smt. Preeti Goyal v. Rahul Goyal and another, pending the Court of Civil Judge (J.D.)/Judicial Magistrate, Nainital, under Section 12 of the Act, is hereby quashed on the basis of compromise entered into between the parties. Application under Section 482 Cr.P.C. is thus disposed of in terms of compromise entered into between the parties.