
(2025) 04 UK CK 0856

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 1287 Of 2021

Rahul Asthana And Two Others

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 24-04-2025

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 323, 417, 498A, 504
Dowry Prohibition Act, 1961 — Section 3, 4

Citation : (2025) 04 UK CK 0856

Hon'ble Judges : Ashish Naithani, J

Bench : Single Bench

Advocate : Saurav Adhikari, Bhaskar Chandra Joshi, Sandeep Tiwari

Final Decision : Disposed Of

Judgement

Ashish Naithani, J

1. The present Application has been filed under Section 482 of the Code of Criminal Procedure, 1973 to quash the charge-sheet, summoning order and the entire proceedings of Criminal Case No. 863 of 2021, "State vs. Rahul Asthana and Others" under Sections 323, 417, 498-A, 504 of the Indian Penal Code, 1860 and under Section 3/4 of Dowry Prohibition Act, 1961, registered at Police Station Dalanwala, District Dehradun, pending before the Court of learned Vith Additional Civil Judge (S.D.)/ Additional Chief Judicial Magistrate, Dehradun.

2. Subsequent to the submission of the chargesheet, learned Trial Court took the cognizance and passed the summoning order against the applicants-accused persons for the offence under Sections 323, 498-A, 417, 504 of the Indian Penal Code, 1860 and Section 3/ 4 of the Dowry Prohibition Act, 1961.

3. Along with C-482 Application, a joint Compounding Application (IA No. 10 of 2025) has been signed and filed by the parties, which is duly supported by separate affidavits of applicants, respondent no.2 – complaint and victim.

4. Shri Rahul Asthana, Shri Virendra Nath Asthana, Smt. Reena Asthana- applicant no.1, applicant no. 2 and applicant no. 3 respectively are present in-person before this Court and they are duly identified by Mr. Saurav Adhikari, Advocate.

5. Shri Umesh Bahadur Saxena- respondent no. 2 and victim are present in-person before this Court and they are identified by Mr. Sandeep Tiwari, Advocate.

6. Heard learned counsel for the parties and perused the material available on record.

7. Learned counsel for the applicant submitted that a sum of Rs. 20,00,000/- (Rupees twenty lakhs only) has already been paid earlier to respondent no. 2 and victim towards the settlement. Today, an additional amount of Rs. 11,00,000/- (Rupees Eleven lakhs only) has been handed over to respondent no. 2 and victim by way of a demand draft in open court.

8. The Court also had an interaction with Shri. Umesh Bahadur Saxena, respondent no. 2 and victim about the compromise, to which, they fairly conceded that they are accepting the demand draft of Rs. 11,00,000/- and they have no objection if compounding application is allowed.

9. Respondent no. 2 and victim also submitted that they do not want to proceed with the said Criminal Case. They further submitted that there were private disputes between them and the said disputes have been resolved, therefore, a joint compounding application has been filed along with affidavits with their free will and without any pressure.

10. The respondent no. 2 and the victim requested to quash the entire proceedings of Criminal Case No. 863 of 2021, "State vs. Rahul Asthana and Others" under Sections 323, 417, 498-A, 504 of the Indian Penal Code, 1860 and under Section 3/4 of Dowry Prohibition Act, 1961, registered at Police Station Dalanwala, District Dehradun, pending before the Court of learned Vith Additional Civil Judge (S.D.)/ Additional Chief Judicial Magistrate, Dehradun.

11. Per contra, learned State Counsel has formally objected to the offences made out in the present case.

12. In view of the settlement arrived at between the parties and the principle of law laid down by Hon'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 this Court, if this Court is satisfied that matter has been settled between the parties amicably and parties are interested to restore peace and harmony between them.

13. 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 entire proceedings of Criminal Case No. 863 of 2021, "State vs. Rahul Asthana and Others" under

Sections 323, 417, 498-A, 504 of the Indian Penal Code, 1860 and under Section 3/4 of Dowry Prohibition Act, 1961, registered at Police Station Dalanwala, District Dehradun, pending before the Court of learned VIth Additional Civil Judge (S.D.)/ Additional Chief Judicial Magistrate, Dehradun, are quashed.

14. Resultantly, the entire proceedings of entire proceedings of the entire proceedings of Criminal Case No. 863 of 2021, "State vs. Rahul Asthana and Others" under Sections 323, 417, 498-A, 504 of the Indian Penal Code, 1860 and under Section 3/4 of Dowry Prohibition Act, 1961, registered at Police Station Dalanwala, District Dehradun, pending before the Court of learned VIth Additional Civil Judge (S.D.)/ Additional Chief Judicial Magistrate, Dehradun are hereby quashed.

15. The Criminal Miscellaneous Application No. 1287 of 2021, filed under Section 482 of the Code of Criminal Procedure, is disposed of accordingly.