

(2021) 07 UK CK 0039

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 844 Of 2021

Rahul Kumar And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 07-07-2021

Acts Referred:

Indian Penal Code, 1860 — Section 328, 323, 376, 498A, 504, 506
Dowry Prohibition Act, 1961 — Section 3, 4

Citation : (2021) 07 UK CK 0039

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Mohd. Umar, Lalit Miglani, Lata Negi

Final Decision : Disposed Of

Judgement

Ravindra Maithani, J

1. Instant writ petition has been filed for quashing of the FIR No.157 of 2021, under Sections 328, 376, 323, 498-A, 504, 506 IPC and 3/4 of the

Dowry Prohibition Act, 1961, Police Station Kotwali Roorkee, District Haridwar on the basis of an amicable settlement between the parties.

2. Heard learned counsel for the parties through video conferencing.

3. FIR has been lodged by the respondent no.3, who is wife of petitioner no.1. The incident with regard to offence under Section 376 and 328 IPC,

according the FIR were committed prior to the marriage between the respondent no.3 and petitioner no.1. The FIR further states that soon after

marriage the respondent no.3 was treated illy, she was harassed, beaten and she was tortured.

4. Learned counsel for the petitioners and respondent no.3 would submit that parties have amicably settled the dispute. Respondent no.3, the wife of

petitioner no.1 is staying with him. They are happily married, living in a peace and harmony.

5. Petitioners Rahul Kumar, Rajendera, and Pushpa Devi and Radha alias Choti, who have been identified by Advocate Mr. Mohd. Umar and

respondent no.3, Shama Abbasi alias Soniya, who has been identified by Mr. Bilal Ahmad joined the proceedings through video conferencing.

Petitioners and respondent no.3 have stated that they have settled the dispute. Respondent no.3 would submit that she is living with her husband and

in-laws. She does not want to proceed further and the dispute is settled now. She has no grievances against any of the petitioners now.

6. The State counsel would submit that some of the offences are non-compoundable.

7. As stated that as far as the offences under Section 328 and 376 are concerned, according to the FIR were allegedly committed prior to the

marriage between respondent no.3 and petitioner no.1. Petitioner no.1 and respondent no.3 are both husband and wife. They were married in the year

2017. They have a child born out from the wedlock also. A joint compounding application has been filed along with the affidavit of respondent no.3

and petitioner no.1.

8. Unless there are strong reasons, generally the institution of marriage has to be saved. It is such a case. This Court is of a view that based on

amicable settlement between the parties, the FIR may be quashed.

9. The FIR-in-question is quashed. Compounding Application is allowed and the writ petition stands disposed of accordingly.