
(2019) 04 UK CK 0119

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 197 Of 2017

Rahul Sareen

APPELLANT

Vs

State Of Uttarakhand & Another

RESPONDENT

Date of Decision : 23-04-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 320 ,482
Indian Penal Code, 1860 — Section 498A
Dowry Prohibition Act, 1961 — Section 3, 4

Citation : (2019) 04 UK CK 0119

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Vipul Sharma, Dinesh Chauhan, Kawaljeet Singh, Sanpreet Singh Ajmani

Final Decision : Allowed

Judgement

Ravindra Maithani, J

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Code') has been filed for quashing the entire proceedings of Criminal Case No. 5328 of 2016, State Vs. Rahul Sareen under Section 498 A I.P.C. pending before the Court of learned Additional Chief Judicial Magistrate, Haldwani as well as cognizance order dated 18.10.2016.

2. Today it is informed by learned counsel for the parties, that petitioner and respondent no.2 have settled the dispute amicably.

3. In the instant case, FIR was lodged on 24.07.2016 under Section 498A and Section 3/4 of Dowry Prohibition Act, 1961 by the respondent no.2. According to FIR after marriage between the petitioner and respondent no.2 on 04.12.2011, the respondent no.2 was harassed and taunted for the demand of dowry. In the FIR, details of the incident have also been recorded. After investigation, charge sheet has been filed under Section 498A I.P.C.

4. A joint compounding application has also been filed by the parties, which is supported by the affidavits of the petitioner and respondent nos.2. The petitioner Rahul Sareen is present in person before this Court duly identified by his counsel Mr. Vipul Sharma, and respondent no.2 Aakansha Sareen is also present in person before this Court duly identified by her counsel Mr. Kawaljeet Singh.

5. Learned counsel for the petitioner and respondent no.2 both would argue that the dispute between the parties has amicably been settled. Now, continuance of any criminal proceedings would definitely be non productive and would not yield any result to meet ends of justice. Hence, the proceedings may be quashed.

6. In the case of Gian Singh Vs. State of Punjab and Another, (2012) 10 SCC 303, Hon'ble Court, inter alia, held as under:

61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed.....

7. In the case of Parbatbhai Aahir Alias Parbatbhai Bhimsinhbhai Karmur and Others Vs. State of Gujarat and Another, (2017) 9 SCC 641, principles have been laid down by the Hon'ble Supreme Court in the matter of quashing criminal proceedings on the ground of settlement between the parties.

8. Parties have already settled their dispute amicably. In fact, if the trial proceeds now, the possibility of conviction is remote and bleak. It would not secure the ends of justice. In fact, interest of justice demands that the criminal case is put to an end. Therefore, this Court is of the view that since parties have amicably settled their dispute, the criminal proceedings deserve to be quashed and the petition deserves to be allowed.

9. Accordingly, the instant petition is allowed. The proceedings of Criminal Case No. 5328 of 2016, State Vs. Rahul Sareen under Section 498 A I.P.C. pending before the Court of learned Additional Chief Judicial Magistrate, Haldwani are hereby quashed.

10. Compounding Application No. 883 of 2019 stands disposed of accordingly.