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(2018) 05 UK CK 0023

In the Uttarakhand High Court

Case No : Compounding Application No.795 of 2018 In Criminal Misc. Application No.733 of 2018

RAJAT KUMAR MAMGAI AND OTHERS — APPELLANT

Vs

STATE OF UTTARAKHAND AND ANOTHER — RESPONDENT

Date of Decision : 04-05-2018

Acts Referred:
Indian Penal Code, 1860 — Section 120B, 420
CODE OF CRIMINAL PROCEDURE, 1973 — Sectinon 482

Citation : (2018) 05 UK CK 0023

Hon'ble Judges : V.K. BIST, J

Bench : Single Bench

Advocate : Lalit Sharma, S.S. Adhikari, Azmeen

Final Decision : Allowed

Judgement

1. Present criminal misc. application under section 482 has been filed by the applicants with the prayer to quash the charge sheet dated 30.03.2017

filed in FIR No.446 of 2010 entire proceedings of Criminal Case No.1930 of 2017, State vs. Rajat Kumar and others under Section 420/120-B I.P.C.

Police Station Kotwali Dehradun pending in the Court of Chief Judicial Magistrate Dehradun and summoning order dated 26.04.2017 as well as

subsequent order dated 29.11.2017 issuing bailable warrants passed thereon on the ground that the dispute has been amicably settled between the

parties and the offence has been compounded. Alongwith the criminal misc. application, compounding application has been filed. In support of

compounding application, compromise affidavits have been filed by the applicants, and respondent no.2-Sandeep Kumar Mamgai alias Anurag. In the

affidavit, it is stated by the respondent no.2 that due to intervention of respectable persons dispute between applicants and respondent nos.2 has been

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settled and respondent no.2 has no grievance remain from the applicants, as such the matter between the parties has been settled amicably and the

respondent no.2 does not wish to carry the criminal litigation against the applicants.Â Â

2. It is prayed that the entire proceedings of Criminal Case No.1930 of 2017, State vs. Rajat Kumar and others pending in the court of Chief Judicial

Magistrate Dehradun may be quashed.

3. Parties are present in the Court today and they are duly identified by their respective counsel. They admit the compromise.Â

4. In view of the principle of law laid down by Honâ??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 Court is satisfied that matter has been settled between the parties amicably and parties are interested to

restore peace and harmony between them.Â

5. Having considered submissions of learned counsel for the parties, and after going through the entire material available on record, I am satisfied that

the matter has been settled between the parties amicably. Therefore, the criminal misc. application deserves to be allowed.Â

Â 6. Accordingly, the criminal misc. application filed under section 482 is allowed. Entire proceedings of Criminal Case No.1930 of 2017, State vs.

Rajat Kumar and others pending in the court of Chief Judicial Magistrate Dehradun, so far same relate to the applicants, are hereby quashed.

7. Compounding application is, accordingly, disposed of.Â

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