
(2010) 05 UK CK 0060
In the Uttarakhand High Court

Rajendra Singh @ Raju and Others

APPELLANT

Vs

State of Uttarakhand and Smt. Mamta Devi

RESPONDENT

Date of Decision : 12-05-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 498A

Citation : (2010) 05 UK CK 0060

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Prafulla C. Pant, J.—By means of this petition moved u/s 482 of Code of Criminal Procedure 1973(for short Cr.P.C.) the petitioners have sought quashing of the proceedings of criminal case No. 15 of 2008, Mamta Devi v. State of Uttarakhand relating to offences punishable u/s 498A, I.P.C., and one punishable u/s 3/4 of Dowry Prohibition Act, 1961, P.S. Lohaghat, pending in the court of Chief Judicial Magistrate, Champawat.

2. A counter affidavit has been filed on behalf of the respondent No. 1 alongwith delay condonation application. Delay condonation application No. 454 of 2010, is allowed. Delay in filing the counter affidavit is condoned. Counter affidavit filed on behalf of the respondent No. 1, be taken on record.

3. Learned Counsel for the petitioners and learned Counsel for the complainant/ respondent No. 2 stated before this Court that the parties to the matrimony have entered into compromise. Petitioner No. 1 Rajendra Singh @ Raju (husband) and respondent No. 2 Smt. Mamta Devi (wife) complainant, are present in person before this Court. They are identified by their counsel.

4. The parties to the matrimony who are present in court admitted that they have entered into compromise. Complainant Smt. Mamta Devi stated before this

Court that she does not want to initiate criminal proceedings against the petitioners. A copy of compromise filed by them today with affidavit be taken on record.

5. In view of principle of law laid down in B.S. Joshi and Others Vs. State of Haryana and Another, , in the above circumstances, this petition u/s 482 of Cr.P.C. deserves to be allowed.

6. The petition is allowed. The proceedings of criminal miscellaneous No. 15 of 2008 Mamta Devi v. Rajendra Singh @ Raju relating to offences punishable u/s 498A IPC and one punishable u/s 3/4 Dowry Prohibition Act, 1961, pending in the court of Chief Judicial Magistrate, Champawat, are hereby quashed. (Urgency application No. 1648 of 2010, stands disposed of).