

(2023) 02 UK CK 0013

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 1625 Of 2022

Sachin Kumar And Two Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 10-02-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 324, 504, 506
Scheduled Castes And The Scheduled Tribes (Prevention Of Atrocities) Act, 1989 —
Section 3(1)(r)

Citation : (2023) 02 UK CK 0013

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Meenu, Pramod Tiwari, Mohit Kumar

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. The present Application has been filed under Section 482 of the Code of Criminal Procedure, 1973 to quash the entire proceedings of Special Sessions Trial No.233 of 2019, "State vs. Sachin Kumar and Others", pending before the court of Special Sessions Judge, Udham Singh Nagar.
2. Subsequent to the submission of the charge-sheet, learned Trial Court took the cognizance and passed the summoning order against the present applicants for the offence under Sections 324, 504, 506 IPC and Section 3(1)(r) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. Heard Km. Meenu, learned counsel for the applicants & Mr. Mohit Kumar, learned counsel for the respondent nos.2 and 3 through Video Conferencing and Mr. Pramod Tiwari, learned Brief Holder for the State.
4. All the three applicants, namely, Sachin Kumar, Keshav Kumar and Bhuwan Bhaskar are present with their learned counsel Km. Meenu, Advocate, through

Video Conferencing.

5. Respondent no.2 Vinod Kumar, informant/victim and Respondent no.3 Ravi Kumar, injured/victim are present along with their learned counsel Mr. Mohit Kumar, Advocate, through Video conferencing.

6. Applicants and the respondent nos.2 and 3 submitted that there were private disputes between them and they have resolved their disputes and after resolving their disputes they are living in peace and harmony. They further submitted that they have filed a joint Compounding Application (IA No.01 of 2022) along with affidavits with their free will and without any pressure.

7. Learned counsel for the State opposed the compounding application.

8. Respondent no.2, informant/victim and respondent no.3, injured/victim and all the three applicants are living in peace and harmony. In these circumstances, in case, proceedings are allowed to continue, it would amount to denial of complete justice to the parties.

9. Therefore, it is a fit case, in which the inherent jurisdiction of this Court should be exercised to do real and substantial justice.

10. Keeping in view of the totality of the fact and circumstances of the case, this Court is of the view that ends of justice would be met, if the entire proceedings of Special Sessions Trial No.233 of 2019, "State vs. Sachin Kumar and Others", pending before the court of Special Sessions Judge, Udham Singh Nagar, are quashed.

11. Resultantly, the entire proceedings of Special Sessions Trial No.233 of 2019, "State vs. Sachin Kumar and Others", pending before the court of Special Sessions Judge, Udham Singh Nagar, are hereby quashed.

12. The Criminal Misc. Application (No.1625 of 2022), filed under Section 482 of the Code of Criminal Procedure, 1973, is disposed of accordingly.