

(2010) 12 UK CK 0193

In the Uttarakhand High Court

Case No : Compounding Application No. 1499 of 2010 in Criminal Miscellaneous Application No. 1177 of 2010

Sajid @ Khadak Singh and Others

APPELLANT

Vs

State of Uttarakhand and Ilamchandra

RESPONDENT

Date of Decision : 30-12-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482

Penal Code, 1860 (IPC) — Section 147, 427, 452, 506

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 — Section 3(1)

Citation : (2010) 12 UK CK 0193

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Judgement

Prafulla C. Pant, J.—By means of this petition, moved u/s 482 of The Code of Criminal Procedure, 1973 (for short, Cr.P.C.), 26 Petitioners have sought quashing of proceedings of Criminal Case No. 161/2008, State v. Sajid and others, pending in the court of Judicial Magistrate, Vikas Nagar, District Dehradun.

2. The petition was admitted by this Court on 7.12.2010 and proceedings of aforesaid case were stayed.

3. Today, an Application No. 1499 of 2010 has been moved on behalf of the Petitioners and Respondent No. 2 (complainant) stating that the parties have entered into compromise after dispute is settled amicably between them.

4. Heard.

5. Learned Counsel for the Petitioners submitted that in the first information report neither it is mentioned that the Petitioners were not members of scheduled castes or scheduled tribes nor it is mentioned that the complainant was member of scheduled caste, as such, the ingredients of the offence punishable u/s 3(1)(x) of Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989, are not made out. It is further pointed out that the

Petitioners were not even named in the FIR. The FIR was lodged against unknown persons. It is further submitted on behalf of learned Counsel for the parties that in respect of the same incident in question three different versions were given to the police.

6. Learned Counsel for the State, in the above circumstances, has no objection if the application moved on behalf of the Petitioners is allowed.

7. The complainant Ilamchandra is present in the Court and is identified by his counsel Sri Atul Bhatt, who verified the fact that he does not want to prosecute the Petitioners.

8. In the above circumstances, since the ingredients of the offence punishable u/s 3 of Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989, are not made out and considering the nature of other offences and the compromise between the parties, in the interest of justice, the application moved on behalf of the Petitioners and the complainant can be allowed.

9. Therefore the application No. 1499/2010, moved on behalf of the Petitioners Sajid @ Khadak Singh, Kamil, Momin, Kala, Ramjan, Sajid @ Bakra, Irfan, Neejwan, Meerhasan, Asik, Anin @ Chichri, Mohd. Inam, Shamshad @ Patwari, Maksod, Imran, Irshad, Seed, Sonu, Hasim, Nisar, Sajid, Babu, Iqbal, Hasim Mohammad, Matloob, Nurdeen and Ilamchandra (complainant), is hereby allowed, and the proceedings of Criminal Case No. 161/2008, State v. Sajid and others, relating to offences punishable under Sections 147, 427, 452, 506 IPC and 3(1)(x) of Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, P.S. Vikas Nagar, District Dehradun, pending in the court of Judicial Magistrate, Vikas Nagar, Dehradun, are hereby quashed.

10. The petition u/s 482 of Code of Criminal Procedure stands disposed of.