

(2018) 05 UK CK 0024

In the Uttarakhand High Court

Case No : Compounding Application No.796 of 2018 In Criminal Misc. Application No.738 of 2018

SANDEEP KUMAR MAMGAI ALIAS ANURAG

APPELLANT

Vs

STATE OF UTTARAKHAND AND OTHERS

RESPONDENT

Date of Decision : 04-05-2018

Acts Referred:

Indian Penal Code, 1860 — Section 409

Code Of Criminal Procedure 1973, — Section 482

Citation : (2018) 05 UK CK 0024

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

Bench : Single Bench

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

Final Decision : Allowed

Judgement

1. Present criminal misc. application under section 482 has been filed by the applicant with the prayer to quash the entire criminal proceedings of

Criminal Case No.1937 of 2014, Rajat Kumar and others vs. Sandeep Kumar Mamgai alias Anurag under Section 409 I.P.C pending in the Court of

Additional Chief Judicial Magistrate I Dehradun and the summoning order dated 09.10.2017 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 applicant-Sri Sandeep Kumar Mamgai, and respondent

nos.2 to 5. In the affidavit, it is stated by the applicant that due to intervention of respectable persons dispute between applicant and respondent nos.2

to 5 has been settled and applicant has no grievance remain from respondent nos.2 to 5, as such the matter between the parties has been settled

amicably and the applicant does not wish to carry the criminal litigation against the respondent nos.2 to 5.Â Â

2. It is prayed that the entire proceedings of Criminal Case No.1937 of 2014, Rajat Kumar and others vs. Sandeep Kumar Mamgai alias Anurag

pending in the court of Additional Chief Judicial Magistrate I 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

6. Accordingly, the criminal misc. application filed under section 482 is allowed. Entire proceedings of Criminal Case No.1937 of 2014, Rajat Kumar

and others vs. Sandeep Kumar Mamgai alias Anurag pending in the court of Additional Chief Judicial Magistrate I Dehradun, so far same relate to the

applicant, are hereby quashed.

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