
(2022) 05 UK CK 0053

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 737 Of 2022

Sanjay Kumar And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 19-05-2022

Acts Referred:

Indian Penal Code, 1860 — Section 323, 498A, 504, 506
Dowry Prohibition Act, 1961 — Section 3, 4
Constitution Of India, 1950 — Article 226

Citation : (2022) 05 UK CK 0053

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Soniya Chawla, Pratirop Pandey, Pradeep Kumar Chauhan

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. This Criminal Writ Petition has been filed under Article 226 of the Constitution of India to issue a writ of certiorari to quash the impugned First Information Report No.0010 of 2020, registered with Police Station Dineshpur, District Udham Singh Nagar for the offence under Sections 498A, 323, 504, 506 of IPC and Section 3/4 of the Dowry Prohibition Act, 1961.

2. Heard Ms. Soniya Chawla, the learned counsel for the petitioners, Mr. Pratirop Pandey, the learned A.G.A. for the State/ respondent nos.1 and 2 and Mr. Pradeep Kumar Chauhan, the learned counsel for the private respondent no.3.

3. During the arguments, Mr. Pratirop Pandey, the learned A.G.A. for the State submitted that the charge-sheet has already been filed before the concerned court against the Sanjay Kumar, the petitioner no.1 and the remaining petitioners are exonerated by the Investigating Officer during the investigation.

4. All the three petitioners, namely, Sanjay Kumar, Smt. Kaushliya and Sanjeev are present in-person before this Court with their learned counsel, Ms. Soniya

Chawla.

5. The respondent no.3, Seema Rajpoot is present in-person. She is identified by Mr. Pradeep Kumar Chauhan, Advocate.

6. After the submissions of the learned counsel for the State, the learned counsel for the petitioners requested to permit the petitioners to withdraw this writ petition.

7. At the time of the passing of the order, Mr. Pratiroop Pandey, the learned A.G.A. for the State, further submitted that instructions have been received from the Investigating Officer and according to the said instructions, neither the charge-sheet has been filed before the Court nor the petitioner no.2 and the petitioner no.3 are exonerated. According to the learned counsel for the State, the matter is still under investigation.

8. The respondent no.3, Smt. Seema Rajpoot, the informant/victim, and, all the three petitioners submitted that there were private disputes between them and they have resolved their disputes and accordingly, they have filed a joint Compounding Application (IA No.01 of 2022) along with affidavits with their free will and without any pressure.

9. The respondent no.3, Smt. Seema Rajpoot further submitted that she does not want to proceed with the impugned First Information Report.

10. The learned counsel for the State has no objection.

11. Keeping in view of the totality of the facts and circumstances of the case, this Court is of the view that ends of justice would be met, if the First Information Report No. 0010 of 2020, registered with Police Station Dineshpur, District Udham Singh Nagar for the offence under Sections 498A, 323, 504, 506 of IPC and Section 3/4 of the Dowry Prohibition Act, 1961, is quashed.

12. Resultantly, the impugned First Information Report No. 0010 of 2020, registered with Police Station Dineshpur, District Udham Singh Nagar for the offence under Sections 498A, 323, 504, 506 of IPC and Section 3/4 of the Dowry Prohibition Act, 1961, is hereby quashed.

13. The Criminal Writ Petition No.737 of 2022 is disposed of, accordingly.