
(2019) 05 UK CK 0315

In the Uttarakhand High Court

Case No : Writ Petition (Criminal) No. 856 Of 2019

Sanjay Singh Yadav And Others

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 31-05-2019

Acts Referred:

Constitution Of India, 1950 — Article 226
Indian Penal Code, 1860 — Section 320, 420

Citation : (2019) 05 UK CK 0315

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : I.D. Paliwal, S.S. Adhikari, P.S. Uniyal, Kishore Rai

Final Decision : Allowed

Judgement

Ravindra Maithani, J

1. The instant petition under Article 226 of the Constitution of India has been filed for quashing the F.I.R. No.184 of 2019, under Section 420 IPC, P.S. Kashipur, District Udham Singh Nagar, on the ground of amicable settlement between the parties.

2. Heard learned counsel for the parties and perused the record.

3. According to the F.I.R. petitioner no.5 Omveer Singh Yadav and petitioner no.2, Neeru Yadav formed a Samiti and about 200 persons were associated with it. One of the purposes was to assist the poor girls in their marriage. But subsequently the petitioners and co-accused cheated members and did not return the money. Respondent no.3, Mohd. Bilal is the first informant.

4. A joint compounding application also been filed by the parties, which is supported by the affidavits of the petitioner no.1 and respondent no.3. Petitioner no.1-Sanjay Singh Yadav, petitioner no.2-Neeru, petitioner no.3 Vinod Yadav, petitioner no.4-Raju Kashyap and petitioner no.7 Inderpal Singh are present in

person before this Court duly identified by Mr. I.D. Paliwal, Advocate. A Lakshman Singh Turaiha, deposed as a paiokar to petitioner nos.5 & 6, who are in jail. Respondent no.3 Mohd. Bilal is also present in person before this Court duly identified by Mr. Kishore Rai, Advocate. Petitioners and respondent no.3 state before the Court that they have amicably settled the dispute.

5. Learned counsel for the first informant would submit that the parties have amicably settled the dispute. It has been decided that amount of the members will be returned to them and the process has already begun and parties are living in harmony.

6. In the case of *Gian Singh Vs. State of Punjab and Another*, 6(2012) 10 SCC 303, Hon'ble Court, inter alia, held as under:

61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed.....

7. Parties have already settled their dispute amicably. In fact, if the trial proceeds now, the possibility of conviction is remote and bleak. It would not secure the ends of justice. In fact, interest of justice demands that the criminal case is put to an end. Therefore, this Court is of the view that since parties have amicably settled their dispute, the impugned FIR deserves to be quashed and the petition deserves to be allowed.

8. Accordingly, the instant writ petition is allowed. The impugned F.I.R. No.184 of 2019, under Section 420 I.P.C., P.S. Kashipur, District Udham Singh Nagar is hereby quashed qua the petitioners. Petitioner no.5 Omveer Singh Yadav and Petitioner No.6 Mahendra Singh Yadav are in custody, they be released forthwith, if not warranted in any other case.

9. Compounding Application No.7622 of 2019 stands disposed of accordingly.