

(2012) 05 UK CK 0014

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application (C482) No. 434 of 2012 with
Compounding Application No. 477 of 2012

Satyapal Malik and Om Prakash Malik

APPELLANT

Vs

State of Uttarakhand and Kailash Kumar Bajaj

RESPONDENT

Date of Decision : 02-05-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 380, 411, 427, 454, 506

Citation : (2012) 05 UK CK 0014

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Advocate : Narendra Bali, for the Appellant; B.S. Adhikari, Advocate for the
respondent no. 2 and Mr. S.S. Adhikari, A.G.A. for the State, for the Respondent

Judgement

Hon"ble Prafulla C. Pant, J.—Heard By means of this petition moved u/s 482 of Code of Criminal Procedure, 1973 (forshort Cr.P.C.), the petitioners have sought quashing of the proceedings of criminal case no. 1371 of 2011 (arisen out of crime no. 113 of 2010) State vs. Satyapal Malik and another, relating to offences punishable u/s 454, 380, 411, 427, 506 IPC, Police Station Kankhal, pending in the court of Additional Chief Judicial Magistrate, Hardwar.

2. Learned counsel for the petitioners and learned counsel for respondent no. 2 state that parties have entered into compromise and the respondent no. 2 Kailash Kumar Bajaj (complainant) does not want to prosecute the petitioners. It is further submitted that there was a property dispute between the parties which has been amicably settled.

3. Shri Kailash Kumar Bajaj (respondent no. 2/complainant) identified by his counsel is present in Court. He verified the fact that after compromise he does not want to prosecute the petitioners.

4. In the above circumstances, in view of principle of law laid down in Nikhil

Merchant vs. C.B.I. (2008) 9SCC page 677, the petition deserves to be allowed. Therefore, the petition u/s 482 Cr.P.C., is allowed. the proceedings of criminal case no. 1371 of 2011 (arisen out of crime no. 113 of 2010) State vs. Satyapal Malik and another, relating to offences punishable u/s 454, 380, 411, 427, 506 IPC, Police Station Kankhal, pending in the court of Additional Chief Judicial Magistrate, Hardwar, are hereby quashed. (Compounding application no. 477 of 2012, also stands disposed of).