

(2025) 03 UK CK 0887

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 787 Of 2018

Shabana W/o Mohd Ujair And Three Others

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 20-03-2025

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 120, 120B, 420, 467, 468

Citation : (2025) 03 UK CK 0887

Hon'ble Judges : Ashish Naithani, J

Bench : Single Bench

Advocate : Bhuvnesh Joshi, Pramod Tiwari, Saurabh Budhari

Final Decision : Disposed Of

Judgement

Ashish Naithani, J

1. The present Application has been filed under Section 482 of the Code of Criminal Procedure, 1973 to quash the charge-sheet, summoning order and the entire proceedings of Criminal Case No. 1438 of 2015 (Case Crime No. 60 of 2009) under Sections 420, 467, 468 and 120B of I PC, pending before the Court of learned Additional Chief Judicial Magistrate, Roorkee, District Haridwar.

2. Subsequent to the submission of the chargesheet, learned Trial Court took the cognizance and passed the summoning order against the applicant-accused person for the offence under Sections 420, 467, 468 and 120 of the Indian Penal Code, 1860.

3. Along with C-482 Application, a joint Compounding Application (CRMA No. 876 of 2018) has been signed and filed by the parties, which is duly supported by separate affidavits of applicants and respondent no.2 – complaint.

4. Smt. Shabana- applicant no.1, Smt. Asma, Shri Abdul Rahman and Mohd. Ujair are present through video conferencing and they are duly identified by Mr.

Bhuvnesh Joshi, Advocate.

5. Shri Tausif Ali- respondent no. 2 is present in-person and he is identified by Mr. Saurabh Budhari, Advocate.

6. Heard learned counsel for the parties and perused the material available on record.

7. The Court also had an interaction with Shri. Tausif Ali, respondent no. 2 about the com promise, to which, he fairly conceded that he has no objection if com pounding application is allowed.

8. Respondent no. 2 also submitted that he does not want to proceed with the said Criminal Case. He further submitted that there were private disputes between them and the said disputes have been resolved, therefore, a joint com pounding application has been filed along with affidavits with free will and without any pressure.

9. The respondent no. 2 requested to quash the entire proceedings of the said Criminal Case No. 1438 of 2015, (Case Crime No. 60 of 2009), pending before the Court of Additional Chief Judicial Magistrate, Roorkee, District Haridwar

10. Learned State Counsel raised a preliminary objection to the effect that some of the offences sought to be compounded are non-compoundable.

11. In view of the principle of law laid down by Hon'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 this Court is satisfied that matter has been settled between the parties amicably and parties are interested to restore peace and harmony between them.

12. 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 entire proceedings of Criminal Case No. 1438 of 2015 (Case Crime No. 60 of 2009) under Sections 420, 467, 468 and 120B of I PC, pending before the Court of learned Additional Chief Judicial Magistrate, Roorkee, District Haridwar, are quashed.

13. Resultantly, the entire proceedings of entire proceedings of Criminal Case No. 1438 of 2015 (Case Crime No. 60 of 2009) under Sections 420, 467, 468 and 120B of I PC, pending before the Court of learned Additional Chief Judicial Magistrate, Roorkee, District Haridwar are hereby quashed.

14. The Criminal Miscellaneous Application No. 787 of 2025, filed under Section 482 of the Code of Criminal Procedure, is disposed of accordingly.