
(2022) 06 UK CK 0057

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 1513 Of 2019

Shahzeb And Two Others

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 16-06-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 323, 498A</I>Dowry Prohibition Act, 1961 —
Section 3, 4

Citation : (2022) 06 UK CK 0057

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Paritosh Dalakoti, Atul Kumar Shah, Hemant Pant

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. The applicants - accused persons, namely, Shahzeb, Mohd. Hussain and Smt. Tasleem Jahan have invoked the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973 to quash the impugned cognizance/ summoning order dated 20.05.2019 and the entire proceedings of Criminal Case No.1175 of 2019, "State vs. Shahzeb and Others", pending before the Chief Judicial Magistrate, Nainital.

2. Subsequent to the submission of the charge-sheet, the learned trial court took the cognizance and passed the impugned summoning order against the present applicants for the offence under Sections 323, 498A of IPC and Section 3/4 of the Dowry Prohibition Act, 1961.

3. Heard Mr. Paritosh Dalakoti, learned counsel for the applicants, Mr. Atul Kumar Shah, learned Deputy Advocate General for the State and Mr. Hemant Pant, learned counsel for the respondent no.2/informant/victim.

4. The applicant no.1 – Shahzeb and the respondent no.2 – Mrs. Uzma Ansari,

the informant/victim, are present in-person before this Court. Applicant no.1 - Shahzeb is identified by Mr. Paritosh Dalakoti, Advocate and the respondent no.2 - Mrs. Uzma Ansari is identified by Mr. Hemant Pant, Advocate.

5. In compliance of the order dated 23.05.2022, the applicant no.2 and the applicant no.3 are present through video conferencing.

6. The applicant no.1 and the respondent no.2 submitted that they are husband and wife and they are living jointly as husband and wife. The applicants and the respondent no.2 submitted that they have filed a joint Compounding Application (IA No.01 of 2022) along with affidavits with their free will and without any pressure.

7. The respondent no.2 further submitted that she does not want to proceed with the said criminal case against the applicants.

8. The learned counsel for the State submitted that there were matrimonial disputes between the parties and the said disputes have been resolved by them, therefore, the State has no objection.

9. 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 impugned cognizance/summoning order dated 20.05.2019 and the entire proceedings of Criminal Case No.1175 of 2019, "State vs. Shahzeb and Others", pending before the Chief Judicial Magistrate, Nainital, are quashed.

10. Resultantly, the impugned cognizance/summoning order dated 20.05.2019 and the entire proceedings of Criminal Case No.1175 of 2019, "State vs. Shahzeb and Others", pending before the Chief Judicial Magistrate, Nainital, are quashed.

11. The Criminal Miscellaneous Application No.1513 of 2019, filed under Section 482 of the Code of Criminal Procedure, is disposed of accordingly.