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**(2019) 04 UK CK 0032**

**In the Uttarakhand High Court**

**Case No :** Criminal Miscellaneous Application No. 40 Of 2019

Shailendra Kumar Bhatnagar

APPELLANT

Vs

State Of Uttarakhand & Another

RESPONDENT

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**Date of Decision :** 03-04-2019

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 156(3), 200, 202, 320, 482  
Indian Penal Code, 1860 — Section 420, 467

**Citation :** (2019) 04 UK CK 0032

**Hon'ble Judges :** Ravindra Maithani, J

**Bench :** Single Bench

**Advocate :** Aditya Pratap Singh, Balvinder Singh, Pranav Singh

**Final Decision :** Allowed

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## Judgement

Ravindra Maithani, J

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Code') has been filed for quashing and setting aside the impugned order dated 20.12.2018 in criminal revision no.518 of 2016 under Sections 420 and 467 IPC passed by IInd Additional Session Court, Roorkee and summoning order dated 19.09.2016 in case no.45 of 2015, passed by Ist Additional Civil Judge (J.D.) Haridwar.

2. Respondent no.2 filed a complaint before the Chief Judicial Magistrate, Haridwar. It appears that the application under Section 156(3) of the Code was filed by respondent no.2 against the petitioner for the offences under Sections 420 and 467 of IPC, which was considered as a complaint and accordingly, proceedings of complaint case no.45 of 2015 Smt. Rohita vs. Shailendra Kumar and others were initiated in the Court of Ist Additional Civil Judge (J.D.), Haridwar. After inquiry under Section 200 and 202 of the Code vide order dated 19.09.2016 petitioners were summoned to answer the accusation under Section 420 and 467 of I.P.C. The order dated 19.09.2016 was challenged in Criminal

Revision No.518 of 2018 Shailendra Kumar Bhatnagar vs. State of Uttarakhand and another, which was dismissed vide order dated 20.12.2018 by the learned IInd Additional Civil Judge, Roorkee. Both these orders are impugned in the instant petition.

3. Today, it is argued that parties have amicably settled the dispute. Petitioner is brother of respondent no.2. The dispute was in regard to some fixed deposits of their parents.

4. A joint compounding application has also been filed by the parties, which is supported by the affidavits of the petitioner and respondent no.2. The petitioner no.1 Shailendra Kumar Bhatnagar is present in person before this Court, duly identified by his counsel Mr. Aditya Pratap Singh and respondent no.2 Smt. Rohita is also present in person before this Court, duly identified by her counsel Mr. Pranav Singh. They both state before the Court that they have amicably settled the dispute.

5. Learned counsel for the petitioner and respondent no.2 both would argue that the dispute between the parties has amicably been settled. Now, continuance of any criminal proceedings would definitely be non productive and would not yield any result to meet ends of justice. Hence, the proceedings may be quashed.

6. In the case of Gian Singh Vs. State of Punjab and Another, (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 criminal proceedings deserve to be quashed and the petition deserves to be allowed.

8. Accordingly, the instant petition is allowed. The order dated 20.12.2018 passed in Criminal Revision No.518 of 2016 by IInd Additional Session Court, Roorkee and summoning order dated 19.09.2016 in Case No.45 of 2015 passed by 1st Additional Civil Judge (J.D.), Haridwar are hereby quashed.

9. Compounding Application No.716 of 2019 stands disposed of accordingly.