
(2012) 05 UK CK 0006

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application (C482) No. 388 of 2012

Shami

APPELLANT

Vs

State of Uttarakhand

RESPONDENT

Date of Decision : 03-05-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 324, 326, 452, 504, 506

Citation : (2012) 05 UK CK 0006

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Advocate : Manoj Mohan, for the Appellant; M.A. Khan, Brief Holder, for the State. and Mr. B.N. Maulakhi, Advocate for the respondent No.2, for the Respondent

Judgement

Hon"ble Prafulla C. Pant, J.—Heard By means of this petition moved u/s 482 of Cr.P.C., the petitioner has sought quashing of the proceedings of the Criminal Case No. 129 of 2011, State Vs. Shami, relating to offences punishable u/s 452, 326, 504, 506 of I.P.C., Police Station-Ramnagar, pending in the court of Judicial Magistrate, Ramnagar. Learned counsel for the petitioner and learned counsel for the complainant stated that both the parties have entered into the compromise, and respondent No.2 does not want to prosecute the petitioner. It is further submitted that initially a criminal case was registered under Sections 452, 324, 504 and 506 of I.P.C. Offences punishable under Sections 504 and 506 are compoundable. It is contended that from the evidence collected by the Investigating Officer, offences punishable u/s 452 and 324 are not made out. The incident is said to have been taken place in an open place on the public street, as such, even if the allegations made against the petitioner are taken to be true, the ingredients of offence punishable u/s 452 of I.P.C. are not made out.

2. Attention of this Court is drawn to the Principle of Law laid down in Ganga Prasad Vs. State of U.P. (1987) 2 Supreme Court Cases, Page 232, and it is submitted that in similar case, the Apex Court allowed the compromise including

in respect of offence punishable u/s 326 of I.P.C.

3. Respondent No. 2 Shakeel Ahmad, identified by his counsel, Shri B.N. Maulekhi, is present in the Court, who stated that he does not want to prosecute the petitioner. Jameel (injured) also identified by his counsel is present in the Court and stated that he does not want to prosecute the petitioner after they has entered into the compromise with the accused.

4. In the above circumstances, in the light of law laid down in Ganga Prasad Vs. State of U.P. (1987) 2 Supreme Court Cases, Page 232, the petition is allowed. Further proceedings of Criminal Case No. 129 of 2011, State Vs. Shami, relating to offences punishable u/s 452, 326, 504, 506 of I.P.C., Police Station-Ramnagar, pending in the court of Judicial Magistrate, Ramnagar, are hereby quashed. (Urgency Application No. 2015 of 2012 and Compounding Application No. 421 of 2012, stand disposed of).