
(2022) 06 UK CK 0044

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 874 Of 2022

Shekhar Varshney And Four Others

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 14-06-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 323, 498A, 506</I>Dowry Prohibition Act, 1961 —
Section 3, 4

Citation : (2022) 06 UK CK 0044

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : P.C. Petshali, S.S. Adhikari, Lalit Sharma, Sarita Mittal

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. The applicants-accused persons, namely, Shekhar Varshney, Dr. Shikha Varshney, Praful Varshney, Smt. Ragini Varshney and Devendra Varshney have invoked the inherent jurisdiction of this High Court under Section 482 of the Code of Criminal Procedure, 1973 to quash the impugned charge-sheet dated 12.01.2021 and the entire proceedings of the Criminal Case No. 1710 of 2021, "State vs. Shekhar Varshney and others", pending before the court of Additional Chief Judicial Magistrate Haldwani, District Nainital.

2. After completion of the investigation, the charge-sheet was filed. The learned trial court took the cognizance and passed the summoning order against the applicants for the offence under Sections 323, 506 and 498A of IPC and under Section 3/4 of the Dowry Prohibition Act, 1961.

3. This is the second application, filed under Section 482 of the Code of Criminal Procedure, 1973. The first application, filed under Section 482 of the Code of Criminal Procedure, 1973 was dismissed on 25.02.2022 for non-prosecution.

4. Heard Mr. P.C. Petshali, the learned counsel for the applicants, Mr. S.S. Adhikari, the learned Deputy Advocate General for the State/respondent no.1 and Mr. Lalit Sharma, the learned counsel assisted by Mrs. Sarita Mittal, the learned counsel for the respondent no.2/informant/victim.
5. All the applicants are present in-person before this Court and they are identified by Mr. P.C. Petshali, Advocate.
6. The respondent no.2- Surbhi Varshney is present in-person before this Court and she is identified by Mr. Lalit Shamra, Advocate.
7. All the applicants and the respondent no.2, informant/victim submitted that they have resolved their disputes and after resolving their disputes, they have filed a joint Compounding Application (IA No.01 of 2022) along with affidavits with their free will and without any pressure.
8. The respondent no.2 further submitted that she does not want to proceed with the said criminal case against the applicants.
9. 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.
10. 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 charge-sheet dated 12.01.2021 and the entire proceedings of the Criminal Case No. 1710 of 2021, "State vs. Shekhar Varshney and Others", pending before the Additional Chief Judicial Magistrate Haldwani, District Nainital, are quashed.
11. Resultantly, the impugned charge-sheet dated 12.01.2021 and the entire proceedings of the Criminal Case No. 1710 of 2021, "State vs. Shekhar Varshney and Others", pending before the the Additional Chief Judicial Magistrate Haldwani, District Nainital, are quashed.
12. The Criminal Miscellaneous Application No. 874 of 2022, filed under Section 482 of the Code of Criminal Procedure, is disposed of accordingly.