
(2018) 03 UK CK 0020

In the Uttarakhand High Court

Case No : Compounding Application No.399 of 2018 In Criminal Misc. Application No.403 of 2018

SHIV KUMAR BHARDWAJ

APPELLANT

Vs

STATE OF UTTARAKHAND AND ANOTHER

RESPONDENT

Date of Decision : 09-03-2018

Acts Referred:

Indian Penal Code, 1860 — Section 323, 498-A, 504, 506
Code of Criminal Procedure, 1973 — Section 482
Dowry Prohibition Act, — Section 4, 5

Citation : (2018) 03 UK CK 0020

Hon'ble Judges : V.K. BIST, J

Bench : Single Bench

Advocate : Pradeep Chamiyal, Sandeep Tandon, B.S. Bhandari

Final Decision : Disposed Off

Judgement

1. Present criminal misc. application under section 482 has been filed by the applicant with the prayer to quash the charge sheet No.57 of 2016 dated

17.03.2016 filed against the applicant as well as summoning order dated 04.11.2016 issued against the applicant and further to quash the entire

criminal proceedings of Criminal Case No.6160 of 2014 — State Vs. Shiv Kumar — relating to offences punishable under Sections 498-A, 323, 504,

506 of IPC and one punishable under Section 3/4 Dowry Prohibition Act pending in the court of learned Chief Judicial Magistrate, Udham Singh

Nagar passed thereon on the ground that the dispute has been amicable settled between the parties and the offence has been compounded. Alongwith

the criminal misc. application, compounding application has been filed by the applicant and respondent no.2. In support of compounding application,

joint compromise affidavits have been filed by

Mr. Shiv Kumar (applicant) and Monika Bhardwaj complainant (respondent no.2). In the compounding application it is stated by the respondent no.2

that dispute between her and applicant has been settled and she has no grievance remain from applicant, as such the matter between the respondent

no.2, applicant has been settled amicably and the respondent no.2 does not wish to carry the criminal litigation against the applicant.Â

2. It is prayed that the offences punishable under sections 498-A, 323, 504, 506 IPC and Section 3/4 Dowry Prohibition Act, arising out of the Criminal

Case No.6160 of 2014 â??State Vs. Shiv Kumar, pending in the court of learned Chief Judicial Magistrate, Udham Singh Nage and charge sheet

No.57 of 2016 dated 17.03.2016 as well as summoning order dated 04.11.2016 passed in the aforesaid criminal case, may be quashed.

3. Parties are present in the Court today and they are duly identified by their respective counsel. They admit the compromise.Â

4. In view of the principle of law laid down by Honâ??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 Court is satisfied that matter has been settled between the parties amicably and parties are interested to

restore peace and harmony between them.Â

5. Having considered submissions of learned counsel for the parties, and after going through the entire material available on record, I am satisfied that

the matter has been settled between the parties amicably. Therefore, the writ petition deserves to be allowed.Â

6. Accordingly, the criminal misc. application filed under section 482 is allowed. Proceedings of Criminal Case No.6160 of 2014 â??State Vs. Shiv

Kumarâ? for the offences punishable under sections 498-A, 323, 504, 506 IPC and Section 3/4 Dowry Prohibition Act pending in the court of Chief

Judicial Magistrate, Udham Singh Nagar, so far same relates to the applicant, are hereby quashed.

7. Compounding application is, accordingly, disposed of.Â