
(2023) 02 UK CK 0024

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 193 Of 2023 (Under Section 482 Of Cr.P.C.)

Shyam Babu @ Shyam Kumar Yadav

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 07-02-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 323, 354Kha, 504, 506

Citation : (2023) 02 UK CK 0024

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Rajat Mittal, Manish Rana Singh, Kamlesh Tiwari

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. The applicant-accused Shyam Babu @ Shyam Kumar Yadav has invoked the inherent jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 to quash the entire proceedings of Criminal Case No. 2025 of 2017, "State Vs. Shyam Babu @ Shyam Kumar Yadav", pending before the Court of IInd Additional Chief Judicial Magistrate, Dehradun.

2. Subsequent to submission of charge-sheet, learned Trial Court took the cognizance and passed the summoning order dated 28.05.2017 against the present applicant for the offence punishable under Sections 354Kha, 323, 504 & 506 IPC.

3. Heard Mr. Rajat Mittal, learned counsel for the applicant, Mrs. Manisha Rana Singh, learned A.G.A. for the State and Mr. Kamlesh Tiwari, learned counsel for the respondent no. 2.

4. The applicant-Shyam Babu @ Shyam Kumar Yadav is present through Video Conferencing, and, he is identified by Mr. Rajat Mittal, Advocate.

5. Respondent no. 2-Smt. Leela Sharma is present through Video Conferencing. She is identified by Mr. Kamlesh Tiwari, Advocate.

6. Both, the applicant and the respondent no. 2 submitted that there were private disputes between them and they have resolved their disputes. After resolving their disputes, they have filed a joint Compounding Application along with their affidavits with their free will and without any pressure. The respondent no. 2-Smt. Leela Sharma further submitted that she does not want to pursue the said criminal case. Both, the applicant and the respondent no. 2-informant/victim submitted that after resolving their disputes, they are living in peace and harmony.

7. Learned counsel for the State opposed the Compounding Application.

8. According to the applicant and the respondent no. 2, they are living in peace and harmony, therefore, in the facts and circumstances of this case, it is a fit case, in which the inherent jurisdiction of this Court should be exercised to do real and substantial justice.

9. Keeping in view of the totality of the facts and circumstances of the case, this Court is of the view that the ends of justice would be met, if the entire proceedings of Criminal Case No. 2025 of 2017 "State Vs. Shyam Babu @ Shyam Kumar Yadav", pending before the court of IInd Additional Chief Judicial Magistrate, Dehradun, are quashed.

10. Resultantly, the entire proceedings of Criminal Case No.2025 of 2017 "State Vs. Shyam Babu @ Shyam Kumar Yadav", pending before the court of IInd Additional Chief Judicial Magistrate, Dehradun, are, hereby, quashed.

11. The Criminal Misc. Application (No. 193 of 2023), filed under Section 482 of the Code of Criminal Procedure, 1973, is disposed of accordingly.