

(2018) 05 UK CK 0025

In the Uttarakhand High Court

Case No : Compounding Application No.801 of 2018 In Criminal Misc. Application No.741 of 2018

SMT. KAVITA SHAHI

APPELLANT

Vs

STATE OF UTTARAKHAND AND ANOTHER

RESPONDENT

Date of Decision : 04-05-2018

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 416, 419, 420, 467, 468, 471
CODE OF CRIMINAL PROCEDURE, 1973 — Section 482

Citation : (2018) 05 UK CK 0025

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

Bench : Single Bench

Advocate : B.D. Pande, S.S. Adhikari, Saurabh Adhikari,

Final Decision : Allowed

Judgement

1. Present criminal misc. application under section 482 has been filed by the applicant with the prayer to quash and set aside the charge sheet dated

07.09.2016 and summoning order dated 24.09.2016 passed by the learned Additional Chief Judicial Magistrate, Haldwani, Nainital in Criminal Case

No.5014 of 2016 (F.I.R. No.134 of 2015), State Vs. Kavita Shahi under Sections 416, 419, 420, 467, 468, 471, 120-B I.P.C., Police Station

Haldwani, District Nainital pending in the Court of learned Additional Chief Judicial Magistrate, Haldwani, District Nainital on the ground that the

dispute has been amicably settled between the parties and the offence has been compounded. Alongwith the criminal misc. application, joint

compromise affidavit has been filed. In support of compounding application, compromise affidavit has been filed by the applicant-Smt. Kavita Shahi

and respondent no.2-Smt. Neema Pathaniya. In the affidavits, 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 and the applicant has been settled amicably

and the respondent no.2 does not wish to carry the criminal litigation against the applicant.

2. It is prayed that the entire proceedings of Criminal Case No.5014 of 2016 (F.I.R. No.134 of 2015) pending in the court of Additional Chief Judicial

Magistrate, Haldwani, Nainital may be quashed.

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

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.

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 criminal misc. application deserves to be allowed.

6. Accordingly, the criminal misc. application filed under section 482 is allowed. Entire proceedings of Criminal Case No.5014 of 2016 (F.I.R. No.134

of 2015) pending in the Court of Additional Chief Judicial Magistrate, Haldwani, Nainital, so far same relates to the applicant, are hereby quashed.

7. Compounding application is, accordingly, disposed of.