
(2011) 12 UK CK 0119

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application (C-482) No. 1098 of 2011 with Stay/Interim Relief Application No. 1440 of 2011

Smt Munni Devi and Others

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 07-12-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 147, 323, 504, 506
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 — Section 3(1)

Citation : (2011) 12 UK CK 0119

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Hon''ble Prafulla C. Pant, J.—Heard.

2. By means of this petition moved u/s 482 of Cr.P.C, the petitioners have sought quashing of the charge sheet No. 02 of 2011 arisen out of F.I.R. No. 2 of 2011, relating to offences punishable u/s 147, 323, 504 and 506 of I.P.C and one punishable u/s 3(1)(iii)(iv)(x) of SC & ST (Prevention of Atrocities) Act, 1989, Police Station Baluwakot, pending in the court of Judicial Magistrate, Ist Class, Didihat, District Pithoragarh.

3. Learned counsel for the complainant (respondent no. 2 Lachhi Ram) states that the complainant does not want to prosecute the petitioners. Smt Kunti Devi (wife of Lachhi Ram) with whom incident alleged to have taken place, is present in court identified by her counsel. She also stated before this court that she does not want to prosecute the petitioners.

4. On behalf of the petitioners attention of this court is drawn to Annexure-2 to the petition, which is copy of the affidavit filed by Kunti Devi in which she has stated that the incident relates to a quarrel on account of cutting grass and has

nothing to do as to her insult for being member of Scheduled Caste. It is also stated in the said affidavit that as to the quarrel relating to cutting of grass parties have entered into compromise.

5. In the above circumstances, the petition u/s 482 of Cr.P.C., is allowed. Proceedings of Criminal Case No. 315 of 2011, State vs. Munni Devi and others, relating to offences punishable u/s 147, 323, 504 and 506 of I.P.C., and one punishable u/s 3(1)(iii)(iv)(x) of SC & ST (Prevention of Atrocities) Act, 1989, Police Station Baluwakot, pending in the court of Judicial Magistrate, Ist Class, Didihat, District Pithoragarh, are hereby quashed. (Stay/Interim Relief Application No. 1440 of 2011 stands disposed of).