

(2024) 09 UK CK 0036

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 430 Of 2024

Suhail Khan

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 21-09-2024

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 528
Indian Penal Code, 1860 — Section 498A, 504
Dowry Prohibition Act, 1961 — Section 3, 4
Muslim Women (Protection Of Rights On Marriage) Act, 2019 — Section 3, 4

Citation : (2024) 09 UK CK 0036

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Shruti Joshi, Manisha Rana Singh, Digvijay Singh Bisht

Final Decision : Allowed

Judgement

Ravindra Maithani, J

1. Instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been preferred by the petitioner for quashing the charge-sheet dated 10.08.2022, cognizance order dated 02.12.2022, under Sections 498-A, 504 IPC; Sections 3/4 of the Dowry Prohibition Act, 1961 and Sections 3/4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019, passed in Criminal Case No.8452 of 2022, State vs. Suhail Khan, passed by the court of 4th Additional Chief Judicial Magistrate, Dehradun ("the case") as well as entire proceeding of the case on the basis of amicable settlement between the parties. A joint compounding application has also been filed supported by the affidavits.
2. Heard learned counsel for the parties and perused the record.
3. Learned counsel for the parties would submit that it was a matrimonial discord; the parties have settled the dispute amicably; the petitioner and the respondent no.2 have decided to stay separate.

4. The petitioner and the respondent no.2 are before the Court, as identified by their respective counsel. They have verified the compromise. They have stated that they have settled the dispute amicably.
5. The Court particularly asked the informant (respondent no.2). She would submit that they have settled the dispute amicably; they have decided to stay separate and she does not want to proceed with the case.
6. Having considered the nature of the offence and other attending factors, this Court is of the view that the petition may be decided on the basis of compromise between the parties. Accordingly, the petition deserves to be allowed.
7. The petition is allowed. The charge-sheet dated 10.08.2022, cognizance order dated 02.12.2022 as well as entire proceedings of the case, are hereby quashed.
8. Compounding Application (IA) No.1 of 2024 stands disposed of accordingly.