
(2021) 08 UK CK 0344

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 1552 Of 2021

Sunil

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 24-08-2021

Acts Referred:

Indian Penal Code, 1860 — Section 420
Information Technology Act, 2000 — Section 66D

Citation : (2021) 08 UK CK 0344

Hon'ble Judges : N.S. Dhanik, J

Bench : Single Bench

Advocate : Veer Kunwar Singh, S.S. Adhikari, Balvider Singh, Ravi Bisht

Final Decision : Disposed Of

Judgement

N.S. Dhanik, J

1. The present criminal writ petition has been filed by the petitioner seeking the following reliefs:

(i) Issue a writ, order or direction in the nature of certiorari quashing the impugned First Information Report lodged by respondent no. 3 on 10.12.2020

registered as FIR No. 0043 of 2020, punishable under Section 420 IPC & Section 66-D of the Information Technology Act at PS Kanda Chowki

Kamedi Devi, District Bageshwar, so far as it relates to the petitioner (contained as annexure no. 1 to the writ petition).

(ii) Issue a writ, order or direction in the nature of mandamus directing the respondent nos. 1 & 2 not to arrest the petitioner and not to take any

coercive steps against petitioner in pursuance to the First Information Report lodged by respondent no. 3 on 10.12.2020 registered as FIR No. 0043 of

2020 punishable under Section 420 IPC & Section 66 D of Information

Technology Act, PS Kanda Chowki Kamedi Devi, District Bageshwar, so far as it relates to the petitioner (contained as Annexure No. 1 to the writ petition).

2. Now, parties have filed the joint compounding application stating therein that they have entered into compromise and amicably settled their dispute

and now the respondent no. 3 does not have any grievance with the petitioner. In support of compounding application, affidavits have been filed by the petitioner and respondent no. 3.

3. It is submitted that petitioner is in jail and as such the petitioner from jail has authorized in writing to Mr. Sher Singh (father of the petitioner) for doing pairvi on his behalf.

4. Sher Singh (Father of the petitioner) and respondent no. 3/complainant (Ganesh Singh) are present before this Court today, duly identified by their respective counsels. They admit the settlement.

5. Compounding application bears the signatures/thumb impressions of the petitioner and respondent no. 3. It has been further stated by the parties

that now they have amicably settled their dispute. Therefore, learned Counsel for the parties have submitted that the impugned FIR be quashed in terms of the compromise.

6. Learned State Counsel orally opposed the compounding application.

7. Learned counsel for the petitioner placed reliance upon the judgments of the Honâ??ble Apex Court in Gian Singh v. State of Punjab & Another,

(2012) 10 SCC 303 B.S. Joshi, (2003) 4 SCC 675; Nikhil Merchant, (2008) 9 SCC 677; and Manoj Sharma, (2008) 16 SCC.

8. Considering the facts and circumstances of the case and in view of the legal proposition propounded by the Honâ??ble Apex Court, the

compounding application is allowed. Compromise arrived at between the parties is accepted. Impugned FIR No. 0043 of 2020, under Sections 420

IPC & Section 66-D of Information Technology Act, PS Kanda Chowki Kamedi Devi, District Bageshwar is quashed in terms of the compromise qua

the petitioner only. Inform the court concerned accordingly.

9. Criminal writ petition stands disposed of accordingly.