
(2011) 07 UK CK 0129

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application (C482) No. 556 of 2011

Suresh Ahuja

APPELLANT

Vs

State of Uttarakhand and Ashok Khurana

RESPONDENT

Date of Decision : 07-07-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 406, 420, 506

Citation : (2011) 07 UK CK 0129

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Prafulla C. Pant, J.—Heard.

2. By means of this petition moved u/s 482 of Code of Criminal Procedure, 1973 (for short 2 Code of Criminal Procedure) the Petitioner has sought quashing of the proceedings of criminal case No. 660 of 2007 (old No. 1975 of 2006) State v. Suresh Ahuja and Ors., relating to offences punishable u/s 420, 406, 506 IPC, Police Station Haldwani, District Nainital, pending in the court of Chief Judicial Magistrate, Nainital.

3. A compounding application No. 726 of 2011, has been filed on behalf of the Petitioner Suresh Ahuja, and Respondent No. 2 Ashok Khurana supported by affidavits of the two parties.

4. The complainant (Respondent No. 2) identified by his counsel is present in court. He verified the compromise, and stated that the impugned criminal proceedings against the Petitioner may be quashed.

5. Since, the impugned criminal proceedings have arisen out of property dispute between the parties, therefore, in view of the principle of law laid down in Nikhil Merchant Vs. Central Bureau of Investigation and Another, , the compounding application deserves to be allowed.

6. Therefore, compounding application is allowed. The petition u/s 482 Code of Criminal Procedure, is also allowed. The proceedings of impugned criminal case No. 660 of 2007 (old No. 1975 of 2006) State v. Suresh Ahuja and Ors., relating to offences punishable u/s 420, 406, 506 IPC, Police Station Haldwani, District Nainital, pending in the court of Chief Judicial Magistrate, Nainital, are hereby quashed.