

(2024) 12 UK CK 0034

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application U/s 482 No. 1036 Of 2024

Umesh Pal

APPELLANT

Vs

State Of Uttarakhand & Another

RESPONDENT

Date of Decision : 09-12-2024

Acts Referred:

Indian Penal Code, 1860 — Section 323, 498A, 504, 506
Code Of Criminal Procedure, 1973 — Section 125
Hindu Marriage Act, 1955 — Section 13B

Citation : (2024) 12 UK CK 0034

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Deepak Joshi, B.C. Joshi, Pankaj Binwal

Final Decision : Allowed

Judgement

Pankaj Purohit, J

1. By means of the present C482 application, applicant seeks the indulgence of this Court for quashing the entire criminal proceedings arising out of Criminal Case No.726 of 2022, State vs. Umesh Pal, pursuant to the FIR No.147 of 2019, under Sections 498-A, 323, 504 & 506 IPC, pending in the court of Judicial Magistrate, Kichha, District Udham Singh Nagar on the basis of compromise arrived at between the parties outside the court.

2. Today, both the applicant-husband and respondent no.2-wife are present before this Court, duly identified by their respective Advocates.

3. Along with C482 application, a compounding application (IA No.2/2024) has been filed by the parties, duly supported by their respective affidavits. In the compounding application, it has been stated that the parties have entered into settlement before the Mediator, Family Court in a proceeding under Section 125 Cr.P.C. which is registered as Misc. Case No.13 of 2021, Meena vs. Umesh Pal and the said proceeding has come to an end on a condition of payment of

Rs.2,00,000/- as permanent alimony to the wife-respondent no.2 by the husband-applicant. Out of the aforesaid amount Rs.1,00,000/- has already been paid by the husband-applicant to the respondent no.2-wife in a petition filed under Section 13B of the Hindu Marriage Act, before the Family Court, Rudrapur being O.S. No.173 of 2024, Smt. Meena vs. Umesh Pal. Rest of the amount of Rs.1,00,000/- is to be paid by the applicant-husband at the time of second motion on the date fixed in the Family Court i.e. 06.01.2025. Applicant-husband shall also pay Rs.2,000/-per month to the single child born out of the wedlock.

4. Since the parties have settled their dispute amicably and they want to get separated while taking a mutual divorce, it is submitted by learned counsel for the parties that no useful purpose would be served for keeping the criminal proceedings pending. At the same time, it is also pointed out by learned counsel for the parties that while entering into compromise between the parties, it has also been agreed by the respondent-wife that all criminal proceedings between the parties shall be brought to an end.

5. In this view of the matter, the present C482 application is allowed in terms of the compromise entered into between the parties. Consequently, the entire criminal proceedings of Criminal Case No.726 of 2022, State vs. Umesh Pal, pursuant to the FIR No.147 of 2019, under Sections 498-A, 323, 504 & 506 IPC, pending in the court of Judicial Magistrate, Kichha, District Udham Singh Nagar are hereby quashed.

6. Pending application, if any, stands disposed of accordingly.