
(2012) 04 UK CK 0049

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application (C-482) No. 374 of 2012 with
Compounding Application No. 400 of 2012

Vachaspati, Ramesh Chandra Gurrani and Others

APPELLANT

Vs

State of Uttarakhand and Govind Singh

RESPONDENT

Date of Decision : 18-04-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 120B, 406, 420, 467, 471

Citation : (2012) 04 UK CK 0049

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Advocate : Pawan Mishra, for the Appellant; M.A. Khan, Brief Holder, present for the State, Shri Pratiroop Pandey, Advocate, present for the respondent no. 2 and Govind Singh, for the Respondent

Judgement

Hon'ble Prafulla C. Pant, J.—Heard. By means of this petition moved u/s 482 of Cr.P.C., the petitioners have sought quashing of the proceedings of Criminal Case No. 118 of 2012 State vs. Sunil P. Singh and others, relating to offences punishable u/s 420, 406, 467, 471 and 120B of I.P.C., Police Station Bageshwar, pending in the court of Chief Judicial Magistrate, Bageshwar.

2. Learned counsel for the petitioners namely Vachaspati, Ramesh Chandra Gurrani, Prakash Verma and Jalaj Pandey, and learned counsel for the complainant Govind Singh stated that these parties have entered into compromise and the complainant does not want to prosecute the present four petitioners. It is submitted that the amount withdrawn has already been deposited back in the account.

3. Shri Govind Singh complainant, identified by his counsel Shri Pratiroop Pandey, Advocate, verified the above fact and stated that his grievance is against co-accused Sunil P.Singh only, and he does not want to prosecute the present petitioners who are bank officials. He further submitted that he lodged First

Information Report only against Sunil P. Singh.

4. A Compounding Application No. 400 of 2012 has already been filed on behalf of the petitioners and respondent no.2 supported by affidavit. In the above circumstances, in view of principle of law laid down in Nikhil Merchant Vs. Central Bureau of Investigation and Another, , the petition. u/s 482 of Cr.P.C., deserves to be allowed in respect of proceedings pending against the present petitioners namely Vachaspati, Ramesh Chandra Gurrani, Prakash Verma and Jalaj Pandey. Accordingly, the petition u/s 482 of Cr.P.C., is allowed. The proceedings of Criminal Case No. 118 of 2012 State vs. Sunil P. Singh and others, relating to offences punishable u/s 420, 406, 467, 471 and 120B of I.P.C., Police Station Bageshwar, pending in the court of Chief Judicial Magistrate, Bageshwar, are quashed only as against the petitioners namely Vachaspati, Ramesh Chandra Gurrani, Prakash Verma and Jalaj Pandey. It is clarified that the trial court may proceed further against the accused Sunil P. Singh. (Compounding Application No. 400 of 2012 stands disposed of).