

(2022) 12 UK CK 0084

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 2306 Of 2022

Vijay Kumar And Four Others

APPELLANT

Vs

State Of Uttarakhand And Four Others

RESPONDENT

Date of Decision : 22-12-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 147, 148, 149, 324, 504, 506

Citation : (2022) 12 UK CK 0084

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Vikas Kumar Guglani, T.C. Agarwal, B.S. Koranga

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. The applicants – accused persons, namely, Vijay Kumar, Smt. Vimal, Sarita, Sonam and Rubi have invoked the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973, to quash the impugned charge-sheet, cognizance/ summoning order dated 19.02.2021 and the entire proceedings of Criminal Case No.1359 of 2021, "State of Uttarakhand vs. Vimla Devi and Others", pending before the court of Additional Chief Judicial Magistrate/ IVth Additional Senior Civil Judge, Udham Singh Nagar.

2. Subsequent to submission of the charge-sheet, learned Trial Court took the cognizance and passed the impugned summoning order against the applicants – accused persons for the offence under Sections 147, 148, 149, 324, 504 and 506 of the Indian Penal Code, 1860.

3. Heard Mr. Vikas Kumar Guglani, learned counsel for the applicants - accused persons, Mr. T.C. Agarwal, learned Deputy Advocate General for the State and Mr. B.S. Koranga, learned counsel for the private respondent nos.2 to 5/victims.

4. All the applicants – accused persons are present in-person with their learned counsel.
5. Respondent no.2 Smt. Lakshmi Devi, informant/victim, respondent no.3 Vivek Kumar, respondent no.4 Rekha Sagar and respondent no.5 Kiran, all victims, are present in-person with their learned counsel.
6. The applicants are identified by Mr. Vikas Kumar Guglani, Advocate, and, the said private respondents are identified by Mr. B.S. Koranga, Advocate.
7. Both, the applicants and the private respondents submitted that there were private disputes amongst them and they have resolved their disputes and after resolving their disputes they have filed a joint Compounding Application (IA No.01 of 2022) along with their affidavits with their free will and without any pressure.
8. Learned counsel for the State submitted that there were private disputes between the parties and they have resolved their disputes.
9. Keeping in view of the totality of the fact and circumstances of the case, this Court is of the view that ends of justice would be met, if the impugned charge-sheet, cognizance/ summoning order dated 19.02.2021 and the entire proceedings of Criminal Case No.1359 of 2021, "State of Uttarakhand vs. Vimla Devi and Others", pending before the court of Additional Chief Judicial Magistrate/ IVth Additional Senior Civil Judge, Udham Singh Nagar, are quashed.
10. Resultantly, the impugned charge-sheet, cognizance/ summoning order dated 19.02.2021 and the entire proceedings of Criminal Case No.1359 of 2021, "State of Uttarakhand vs. Vimla Devi and Others", pending before the court of Additional Chief Judicial Magistrate/ IVth Additional Senior Civil Judge, Udham Singh Nagar, are quashed.
11. The Criminal Misc. Application (No.2306 of 2022), filed under Section 482 of the Code of Criminal Procedure, 1973, is disposed of accordingly.