

(2011) 12 UK CK 0058

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application (C482) No. 165 of 2011

Vijay Kumar Gupta

APPELLANT

Vs

State of Uttarakhand and Smt. Pallavi Gupta

RESPONDENT

Date of Decision : 14-12-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Protection of Women From Domestic Violence Act, 2005 — Section 12

Citation : (2011) 12 UK CK 0058

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Hon"ble Prafulla C. Pant, J.—Heard.

2. By means of this petition, moved u/s 482 of Cr.P.C., the petitioner has sought quashing of proceedings of case no. 108 of 2009 Pallavi Gupta vs. Aman Gupta and others, filed u/s 12 of Protection of Women From Domestic Violence Act, 2005, pending before Judicial Magistrate, Haridwar.

3. Learned counsel for the petitioner and learned counsel for the respondent no. 2 (Pallavi Gupta) submitted before this Court that parties to matrimony have already entered into compromise and the complainant does not want to prosecute the petitioner. Pallavi Gupta (respondent no. 2), identified by her counsel Sri M.K. Goyal, Advocate, is present in Court, who verified the fact that she does not want to prosecute the petitioner, after she has entered into compromise with her husband Aman Gupta.

4. In view of the above development, keeping in mind the spirit contained in B.S. Joshi and Others Vs. State of Haryana and Another, , this petition deserves to be allowed.

5. Accordingly, the petition u/s 482 of Cr.P.C. is allowed. Proceedings of case no. 108 of 2009 Pallavi Gupta vs. Aman Gupta and others, filed u/s 12 of Protection

of Women From Domestic Violence Act, 2005, pending in the court of Judicial Magistrate, Haridwar, are hereby quashed.