
(2022) 07 UK CK 0083

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 195 Of 2022

Vijaypal Alias Bija

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 14-07-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 353, 506

Citation : (2022) 07 UK CK 0083

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Ashutosh Thakral, A.K. Shah, Aakib Ahmed

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. The applicant has invoked the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973, to quash the entire proceedings of Criminal Case No.649 of 2020, "State vs. Vijaypal alias Bija", pending before the court of Additional Chief Judicial Magistrate, Laksar, District Haridwar.
2. Subsequent to the submission of the charge-sheet, the learned trial court took the cognizance and passed the summoning order under Sections 353 and 506 of IPC against the present applicant – accused.
3. Heard Mr. Ashutosh Thakral, learned counsel for the applicant, Mr. A.K. Shah, learned Deputy Advocate General for the State and Mr. Aakib Ahmed, learned counsel for the respondent no.2/informant/victim.
4. The applicant – Vijaypal alias Bija and the respondent no.2 – Gopal Singh Chauhan are present in-person through video conferencing. The applicant is identified by Mr. Ashutosh Thakral, Advocate. The respondent no.2 is identified by Mr. Aakib Ahmed, Advocate.

5. According to the prosecution, the present applicant – accused had assaulted and threatened the respondent no.2, when he was discharging his public duty as a public servant.
6. The applicant – Vijaypal alias Bija, aged about 71 years, and the respondent no.2 submitted that there were private disputes between them and they have resolved their disputes and after resolving their disputes, they have filed a joint Compounding Application (IA No.02 of 2022) along with affidavits.
7. The respondent no.2 – Gopal Singh Chauhan (Ex- Tehsildar Laksar area) submitted that he has filed his affidavit with his free will and without any pressure. He further submitted that he does not want to proceed with the said criminal case.
8. The learned counsel appearing for the State opposed the compounding application on the ground that the offence under Section 353 is not compoundable.
9. Section 482 of the Code of Criminal Procedure, 1973, envisages three circumstances in which the inherent jurisdiction may be exercised, namely, “to give effect to an order under the Code, or, to prevent abuse of the process of any Court, or, to secure the ends of justice”.
10. The age of present applicant – accused is 71 years. According to the parties, there were private disputes and the said disputes have already been resolved. Therefore, it is a fit case, in which, inherent jurisdiction of this Court should be exercised to do real and substantial justice.
11. Keeping in view of the totality of the facts and circumstances of the case, this Court is of the view that ends of justice would be met, if the entire proceedings of Criminal Case No.649 of 2020, “State vs. Vijaypal alias Bija”, pending before the court of Additional Chief Judicial Magistrate, Laksar, District Haridwar, are quashed.
12. Resultantly, the entire proceedings of Criminal Case No.649 of 2020, “State vs. Vijaypal alias Bija”, pending before the court of Additional Chief Judicial Magistrate, Laksar, District Haridwar, are quashed.
13. The Criminal Miscellaneous Application No.195 of 2022, filed under Section 482 of the Code of Criminal Procedure, is disposed of accordingly.