

(2024) 10 UK CK 0022

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 606 Of 2024

Vinay Kumar Alias Vinay Gupta

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 01-10-2024

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 528
Indian Penal Code, 1860 — Section 498A, 506

Citation : (2024) 10 UK CK 0022

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Pradeep Chamyal, S.C. Dumka, B.S. Bhandari

Final Decision : Allowed

Judgement

Ravindra Maithani, J

1. Instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been preferred by the petitioner for quashing the charge-sheet dated 20-08-2021 and summoning order dated 25.10.2021, under Sections 498-A, 506 IPC, passed in Criminal Case No.5772 of 2021, State vs. Vinay Kumar, by the court of First Additional Chief Judicial Magistrate, Dehradun, District Dehradun ("the case") as well as entire proceeding of the case on the basis of amicable settlement between the parties. A joint compounding application has also been filed supported by the affidavits.

2. Heard learned counsel for the parties and perused the record.

3. According to the FIR, the petitioner and the respondent no.2 ("the informant") were married on 20.04.1996, the informant was staying in her in-laws' house where she was harassed and tortured, due to which, she became sick. It is this FIR, in which, after investigation charge-sheet was submitted.

4. Learned counsel for the parties would submit that the parties have settled the

dispute amicably and decided to stay separate.

5. The petitioner and the respondent no.2 joined the proceedings through video conferencing, as identified by their respective counsel. They have verified the compromise. They have stated that they have settled the dispute amicably.

6. The Court particularly asked the respondent no.2, the informant, she would submit that they have settled the dispute amicably and have decided to stay separate and she does not want to proceed with the case.

7. Having considered the nature of the offence and other attending factors, this Court is of the view that the petition may be decided on the basis of compromise between the parties. Accordingly, the petition deserves to be allowed.

8. The petition is allowed. The charge-sheet dated 20-08-2021 and summoning order dated 25.10.2021 as well as entire proceedings of the case are hereby quashed.

9. Compounding Application (IA) No.1 of 2024 stands disposed of accordingly.