

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

**Criminal Misc. Application No. 381/2009
(Misc. Appl. 1086/2010)**

Naveen Chandrar Upreti & Ors. Petitioners

Versus

State of Uttarakhand & Anr. Respondents

September 30, 2010

Hon'ble Dharam Veer, J.

Heard Mr. Prem Kaushal, Advocate for the petitioners, Mr. MA Khan, Brief Holder for the State and Mr. MC Pande, Advocate for the complainant/respondent no. 2.

By means of this petition, moved under Section 482 of Code of Criminal Procedure, 1973 (for short, CrPC), the petitioners have prayed for quashing the summoning order dated 29.4.2009 as well as the entire proceedings of Criminal Case No. 166/2009 State v. Kamal Upreti & Ors. under Section 498-A, 504, 506 IPC and 3/4 Dowry Prohibition Act pending in the Court of Chief Judicial Magistrate, Champawat.

Facts, in brief, are that the respondent no. 2 filed a complaint against the petitioners and other co-accused with the allegations that she was married to petitioner no. 3 Kamal Upreti on 10.12.2005. Soon after the marriage, her husband and her in-laws started to harass her for the dowry and threatened to leave her in her maternal house if their demand of dowry shall not be fulfilled. Thereafter her father gave many articles but even then her in-laws were not satisfied and they continued to harass her. Then complainant came to her maternal house and was staying there. Her in-laws also misbehaved with her and threatened to teach her lesson in case of any legal action by the complainant. The complainant tried to lodge the report with the police, but the police did not take any action. Thereafter she lodged this complaint before the Magistrate. The Magistrate ordered the concerned police station to lodge the report and investigate the matter. The I.O. after the investigation filed the chargesheet, on the basis of which learned Magistrate has taken the cognizance against the

petitioner under the aforesaid sections and summoned the petitioners vide order date 29.4.2009.

Parties have filed compounding application stating that they have entered into compromise and sought permission of this Court that their compromise may be accepted and compounding application may be allowed as they are relatives and now they are living peacefully and the matter has been settled amicably between them and all other matrimonial disputes shall be withdrawn by the parties. Compounding application is duly supported by the affidavits of complainant/respondent no. 2 and her husband/petitioner no. 3 and duly verified by their respective Counsel.

Reliance has been placed on the judgment delivered by the Hon'ble Apex Court in the case of ***B.S. Joshi & others Vs. State of Haryana & Another reported in (2003) 4 SCC P675***. Reliance has also been placed on the judgment delivered by the Hon'ble Apex Court in the case of ***Ruchi Agarwal Vs. Amit Kumar Agarwal & others reported in 2005 SCC (Cri.) 719***.

In view of the facts and circumstances of the case and the legal proposition propounded by the Hon'ble Supreme Court in the aforesaid verdicts, the compounding application is allowed and the compromise entered into by the parties is accepted.

Accordingly, the impugned summoning order dated 29.4.2009 as well as the entire proceedings of Criminal Case No. 166/2009 State v. Kamal Upreti & Ors. under Section 498-A, 504, 506 IPC and 3/4 Dowry Prohibition Act pending in the Court of Chief Judicial Magistrate, Champawat are hereby quashed. The petition is disposed of accordingly. Interim order dated 10.6.2009 stands vacated.

(Dharam Veer, J.)

30.9.2010