

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc. Application(C482) No. 346 of 2011

1. Smt. Rajkumari
W/o Braj Jeewan Lal Diwedi
2. Braj Jeewan Lal Diwedi
S/o Ram Ashai
Both R/o 74, Durga Nagar, Gali No. 4
P.S. Rasulpur, Firojabad (U.P.)
3. Nagendra Diwedi
S/o Ram Bhushan Diwedi
R/o 258-A, 3rd Floor, Prarggya apartment
Near Tammana Hospital, Tagore Town
Allahabad (U.P.)

.....Petitioners

Versus

1. State of Uttarakhand through Secretary Home,
Dehradun.
2. Rajesh Kumar Mishra
S/o Radhey Shyam
R/o Sadhu Bela Vebhav Apartment
Flat No. 3, Sapt Sarovar Marg
Bhupatwala, P.S. Kotwali Nagar
District Haridwar

.....Opposit Parties

Shri R.K.S. Verma, Advocate, present for the petitioners.
Smt. Mamta Bisht, A.G.A., present for the State.
Shri S.K. Shandilya, Advocate, present for the respondent no. 2.

Hon'ble Prafulla C. Pant, J.

Heard.

2. A compounding application has been filed on behalf of the respondent no. 2, and the petitioners.

3. Also, counter affidavit has been filed on behalf of the State. Same be taken on record.

4. Learned counsel for the petitioners, and learned counsel for the respondent no. 2 pleaded before this Court that the impugned criminal proceedings have arisen out of matrimonial dispute between Nidhi Mishra (daughter of Rajesh Kumar Mishra, respondent no. 2), and her husband Surendra Diwedi. Smt. Nidhi Mishra and Rajesh Kumar Mishra (respondent no. 2) both identified by their counsel, are present in court. They stated that they do not want to prosecute any of the accused in the criminal proceedings after amicable settlement between the parties to matrimony.

5. In the above circumstances, in view of principle of law laid down in *B.S. Joshi vs State of Haryana (2003) 4SCC page 675*, the compounding application deserves to be allowed. Accordingly, same is allowed. The petition under section 482 Cr.P.C., is also allowed. Impugned proceedings of criminal case no. 435 of 2011, State vs. Rajkumari and others ,

relating to offence punishable under section 498A IPC, pending in the court of Chief Judicial Magistrate, Haridwar, are hereby quashed. (Urgency application no. 2424 of 2011, stands disposed of).

Parul

(Prafulla C. Pant, J.)
30.06.2011