

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Compounding Application No. 140 of 2012
In
CRIMINAL MISC. APPLICATION (C-482) No. 987 of 2011

1. Harish Shankar Pasi
S/o Kishan Lal Pasi
2. Kishan Lal Pasi
S/o Mohan Lal
3. Sarla Pasi
W/o Sri Kishan Lal Pasi
4. Mahesh Pasi
S/o Sri Kishan Lal Pasi
All R/o 19 Shanti Niwas
behind Manish Theater Uttam
Nagar, Shivini NDA Khadakwalsa
Pune
5. Smt Meenakshi
W/o Subat Kumar Seet
D/o Sri Kishan Lal Pasi
R/o E-2, RBI Officers Quarter
Behind Maratha Mandir
Mumbai Central Mumbai
6. Tara Devi
W/o Sri Ram Kishan
R/o Shankarcharya Chowk
P.S.Kankhal
District Hardwar
7. Ramu Kumar
S/o Late Sohan Lal
R/o 22, Gandhi Nagar (Chorkhala)
Ballupur Road, P.O. Kishan Nagar
District Dehradun

.....Applicants

Versus

1. State of Uttarakhand, through
Secretary Home, Dehradun
2. Smt Laxmi Pasi
W/o Shri Harish Pasi
R/o Adhoiwala
Sahastradhara Road
P.S. Raipur
District Dehradun

....Opposite parties

Shri Narendra Bali, Advocate, present for the petitioners.

Shri B.S. Parihar, Brief Holder, present for the State.

Shri M.K.Goyal, Advocate, present for the respondent no.2 Laxmi Pasi

Hon'ble Prafulla C. Pant, J

Heard.

(2) By means of this petition, moved under section 482 of Code of Criminal Procedure, 1973, the petitioners have sought quashing of the proceedings of Criminal Case No. 1561 of 2011, State vs. Hari Shankar Pasi and others, relating to offences punishable under section 498A, 504 and 506 of I.P.C, and one punishable under section 3/4 of Dowry Prohibition Act, 1961, Police Station Raipur, District Dehradun,

pending in the court of Special Judicial Magistrate, C.B.I, Dehradun.

(3) Learned counsel for the petitioners, and learned counsel for the respondent no.2 submitted before this court that due to the pendency of the aforesaid criminal case, parties to matrimony have entered into compromise, and they have settled their matrimonial dispute outside the court. Copy of the compromise is annexed with the affidavit of Smt Laxmi Pasi (respondent no.2) filed on 27.02.2012 with the Compromise Application no. 140 of 2012.

(4) Having heard learned counsel for the petitioners, and learned counsel for the State, and learned counsel for the complainant, and after going through the affidavits filed by the respondent no.2 annexing compromise deed, in view of principle of law laid down in ***B.S.Joshi Vs. State of Haryana (2003) 4SCC page 675***, this petition deserves to be allowed.

(5) Accordingly, the petition under section 482 of Cr.P.C., is allowed. The proceedings of Criminal Case No. 1561 of 2011, State vs. Hari Shankar Pasi and others, relating to offences punishable under section 498A, 504 and 506 of I.P.C, and one punishable under section 3/4 of Dowry Prohibition Act, 1961, Police

Station Raipur, District Dehradun, pending in the court of Special Judicial Magistrate, C.B.I, Dehradun, are hereby quashed. (Criminal Misc. Compounding Application No. 140 of 2012 stands disposed of).

(Prafulla C. Pant, J.)

Dt.29.02.2012
N.P