

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

CRIMINAL MISCELLANEOUS APPLICATION No. 859/2007

(Under Section 482 of the CrPC)

Daleep Kumar & Others

.....Applicants

Versus

State of Uttarakhand & Another

.....Respondents

Mr. Parikshit Saini, Advocate, for the applicants.

Mr. PS Danu, Brief Holder, for the State.

Mr. Mohd. Safdar, Advocate, for the complainant/respondent no. 2.

31st December, 2012

Hon'ble Servesh Kumar Gupta, J.

Parties have filed compounding application in the matter. This Court has been apprised that on previous two dates, applicant no. 1 Daleep Kumar (husband) and complainant/respondent no. 2 Smt. Anuradha (wife) were present in person before this Court to verify the contents of the compounding application, though they are not present today. Compounding application is also supported by the affidavits of both the parties.

2. It has been stated that dispute between the parties has been settled amicably and, now, the complainant respondent does not want to proceed with the trial against the accused applicants. It has also been stated that both husband and wife are living together since 2009.

3. In view of the above, nothing further remains to be heard. Accordingly, keeping in view the proposition of law propounded by Hon'ble Apex Court in case of *B.S. Joshi & Others v. State of Haryana & Another*, reported in **(2003) 4 SCC 675**, which has been recently affirmed in case of *Shiji @ Pappu & Others v. Radhika & Another*, reported in **(2012) 1 SCC (Cri) 101**, compromise arrived

at between the parties is accepted. Compounding application (CRMA 1630/2012) is allowed.

4. Consequently, petition is allowed in terms of the compromise arrived at between the parties. Impugned order of cognizance dated 5.10.2007 as well as the entire proceedings of Criminal Complaint Case No. 328/2007, Anuradha v. Daleep & Others, under Section 498A IPC and 3/4 Dowry Prohibition Act, pending before the Court of Ist Additional Chief Judicial Magistrate, Haridwar are hereby quashed.

5. Inform the court concerned accordingly.

(Serves Kumar Gupta, J.)

31.12.2012

Prabodh