

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
Criminal Misc. Application No. 583 of 2016
(Under Section 482 Cr.P.C.)

Puran Singh Fartyal

... Applicant

Vs

State of Uttarakhand & another

... Respondents

Mr. Sanjay Bhatt, Advocate, present for the applicant.

Mr. S.S. Adhikari, learned Brief Holder, present for the State.

Mr. R.S. Sammal, Advocate present for respondent No. 2.

Hon'ble Sudhanshu Dhulia, J. (Oral)

1. In this case, a First Information Report has been lodged by respondent No. 2 – Khushal Singh Adhikari at Police Station Champawat, District Champawat. Subsequently, the case was registered under Sections 352/504/506 of I.P.C., which is pending in the court of learned Chief Judicial Magistrate, Champawat. Subsequently, the police after investigation submitted its charge-sheet against the present applicant before the court concerned under the aforesaid sections. Consequently, the learned Magistrate has taken cognizance in the matter and issued summon against the present applicant. Against the summoning order, the applicant preferred a revision before the learned Sessions Judge, which was ultimately dismissed vide order dated 29.04.2016. Hence the applicant has invoked the inherent jurisdiction of this Court by filing application under Section 482 Cr.P.C. before this Court, against the cognizance taken by the court below.

2. Heard Mr. Sanjay Bhatt, learned counsel for the applicant, Mr. S.S. Adhikari, learned Brief Holder for the State, Mr. R.S. Sammal, learned counsel for respondent No. 2 and perused the records.

3. From the perusal of the records it appears that there are cross First Information Reports, pertaining to the same incident, between the applicant and the complainant/respondent No. 2. Learned counsels for the

parties submit that both the parties have now entered into compromise and the proceedings, which is pending in the Court of learned Chief Judicial Magistrate, Champawat, be quashed in terms of the compromise arrived at between the parties.

4. Considering the facts and circumstances of the case, this Court is not inclined to interfere in the present matter. There does not appear to be any abuse of process of court and no interference is liable to be made, as far as proceedings are concerned. The proceedings shall go on before the trial court in accordance with law.

5. Accordingly, the application under Section 482 Cr.P.C. stands dismissed.

6. However, in case, there is some kind of compromise took place between the parties, the applicant would be at liberty to move application for compounding the offence before the court below, which shall be decided in accordance with law.

(Sudhanshu Dhulia, J.)

31.05.2016

Aswal