

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Compounding Application No.2283 of 2017

In

Criminal Misc. Application No.1783 of 2017

Rajeev Gava & others

.....Applicants

Versus

State of Uttarakhand & others

...Respondents

Mr D.N. Sharma, Advocate for the applicants.

Mrs. Mamta Joshi, Brief Holder for the State of Uttarakhand.

Mr. Anil Kumar, Advocate for respondent no.2.

Dated: 29.12.2017

Hon'ble V.K. Bist J.

Present criminal misc. application under section 482 has been filed by the applicants with the prayer to allow this application and quash the entire proceedings of Criminal Case No.1125 of 2015 Smt. Sapna vs. Rajeev Gava and others under Sections 498-A & 506 IPC and Section 3/4 Dowry Prohibition Act, P.S. Gadarpur District Udham Singh Nagar pending in the court of Civil Judge (S.D)/Judicial Magistrate Rudrapur Udham Singh Nagar and summoning order dated 26.03.2015 passed thereon on the ground that the dispute has been amicable settled between the parties and the offence has been compounded. Alongwith the criminal misc. application, compounding application has been filed by the applicant no.1 alongwith applicant nos.2 to 4 and respondent no.2. In support of compounding application, joint compromise affidavits have been filed by Mr. Rajeev Gava (applicant no.1) alongwith applicants 2 to 4 and Sapna Gava complainant-(respondent no.2). In the compounding

application it is stated by the respondent no.2 that dispute between her and applicant no.1 and other applicants have been settled and she has no grievance remain from applicant no.1 and other applicants, as such the matter between the respondent no.2, applicant no.1 and other applicants has been settled amicably and the respondent no.2 does not wish to carry the criminal litigation against the applicants.

2. It is prayed that the offences punishable under sections 498-A & 506 IPC and Section 3/4 Dowry Prohibition Act, arising out of the Criminal Case No.1125 of 2015 Smt. Sapna vs. Rajeev Gava, registered at P.S. Gadarpur District Udham Singh Nagar pending in the court of Civil Judge (S.D)/Judicial Magistrate Rudrapur Udham Singh Nagar and summoning order dated 26.03.2015, may be quashed.

3. Parties are present in the Court today and they are duly identified by their respective counsel. They admit the compromise.

4. In view of the principle of law laid down by Hon'ble the Apex Court in the case of ***Gian Singh vs. State of Punjab reported in 2012 (10) SCC 303*** as well as in ***Transfer Petition (Criminal) No.115 of 2012 (Dimpey Gujral vs. Union Territory of Chandigarh) decided on 06.12.2012***, criminal proceedings can be quashed by this Court, if Court is satisfied that matter has been settled between the parties amicably and parties are interested to restore peace and harmony between them.

5. Having considered submissions of learned counsel for the parties, and after going through the entire material available on record, I am satisfied that the matter has been settled between the parties amicably. Therefore, the writ petition deserves to be allowed.

6. Accordingly, the criminal misc. application filed under section 482 is allowed. Proceedings of Criminal Case No.1125 of 2015 for the offences punishable under sections 498-A & 506 IPC and Section 3/4 Dowry Prohibition Act registered at P.S. Gadarpur District Udham Singh Nagar pending in the court of Civil Judge (S.D)/Judicial Magistrate Rudrapur Udham Singh Nagar, so far same relate to the applicants, are hereby quashed.

7. Compounding application is, accordingly, disposed of.

(V.K.Bist, J.)
29.12.2017

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