

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Compounding Application No.3686 of 2018

In

Criminal Writ Petition No.507 of 2018

Surendra Singh @ Khambhi
& others

.....Petitioners

Versus

State of Uttarakhand & others

...Respondents

Mr Tarun P.S. Takuli, Advocate for the petitioners.

Mr. S.K. Chaudhary, Deputy Advocate General for the State of
Uttarakhand/respondent nos.1 & 2.

Mr. Chetan Joshi, Advocate for respondent no.3.

Dated: 28.03.2018

Hon'ble V.K. Bist J.

Present petition has been filed by the petitioners for quashing the impugned F.I.R. No.40 of 2018 dated 17.03.2018 for the offences punishable under Sections 452, 354-A, 504 & 506 of I.P.C. P.S. Pulbhatta, Tehsil Kiccha, District Udham Singh Nagar on the ground that the dispute has already been amicably settled between the parties and the offence has been compounded. Alongwith the petition, compounding application has been filed by the petitioners and respondent no.3. In support of compounding application, compromise affidavits have been filed by Mr. Surendra Singh @ Khambhi (petitioner no.1), Mr. Gurdev Singh (petitioner no.2), Mr. Surjeet Singh (petitioner no.3) and Inderjeet Singh complainant (respondent no.3). In the compounding application, it is stated by respondent no.3 that dispute between him and the petitioners has been settled. It is stated that due to the interference of the senior as well as reputed citizens of the

village, the petitioners and respondent no.3 and his wife agreed to live peacefully in the locality and they will not create any hindrance with each other. It is stated that respondent no.3 has no grievance remain from the petitioners and, as such the matter between the respondent no.3 and the petitioners has been settled amicably and the respondent no.3 does not wish to carry the criminal litigation against the petitioners.

2. It is prayed that the F.I.R. No.40 of 2018 dated 17.03.2018 for the offences punishable under sections 452, 354(A), 504 & 506 of I.P.C. registered at P.S. Pulbhatta, Tehsil Kiccha, District Udham Singh Nagar, may be quashed, so far petitioners are concerned.

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 writ petition is allowed. First Information Report No.40 of 2018 dated 17.03.2018 for the offences punishable under sections 452, 354(A), 504 & 506 of I.P.C. registered at P.S. Pulbhatta, Tehsil Kiccha, District Udham Singh Nagar, is hereby quashed, so far petitioners are concerned.

7. Compounding application is, accordingly, disposed of.

(V.K.Bist, J.)
28.03.2018

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