

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Compounding Application No. 6828 of 2018

In

Writ Petition (Criminal) No. 943 of 2018

Rahul Pal

....Petitioner

Versus

State of Uttarakhand and others

....Respondents

Mr. D.S. Mehta, Advocate for the petitioner.

Mr. P.S. Bohra, A.G.A. for the State of Uttarakhand.

Mr. B.M. Pingal, Advocate for respondent no. 3.

Dated: 30.05.2018

Hon'ble V.K. Bist, J.

Heard learned counsel for the parties.

2. This petition has been filed by the petitioner for quashing the impugned F.I.R. dated 07.5.2018, registered as FIR No.20 of 2018, under Section 153 (A), 298 of IPC, & Section 67 (A) of Information & Technology Act, Police Station Kaladhungi, District Nainital. Along with this writ petition, joint compounding application has also been filed by the parties. In support of compounding application, affidavits have been filed by Mr. Deepak (brother-in-law of the petitioner) and Mr. Ali Hussain (respondent no.3/complainant). It is submitted by the learned counsel for the parties that the parties have entered into the compromise and the respondent no.3 does not wants to prosecute his case filed against the petitioner. It is prayed that the offences punishable under Section 153 (A), 298 of IPC, & Section 67 (A) of Information & Technology Act, arising out of F.I.R. dated 07.5.2018, registered as FIR No.20 of 2018, registered at Police Station Kaladhungi, District Nainital, may be

compounded and the entire proceedings of the said F.I.R. may be quashed.

3. On 25.05.2018 parties were present before this Court and they were duly identified by their respective Counsel. They verified the contents of the compounding application. On the very same day, a copy of the compounding application along with affidavits annexed with the compounding application, were sent to the concerned Jail Superintendent where petitioner is detained for verifying the contents of compounding application from the petitioner. In compliance of the aforesaid order, the concerned Jail Superintendent, vide his letter dated 27/28.05.2018, has informed that he has enquired from the petitioner about the compromise arrived at between the parties and the petitioner verified all the contents of the compounding application.

4. Learned State Counsel conceded that the matter can be compounded.

5 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 this Court is satisfied that matter has been settled between the parties amicably and parties are interested to restore peace and harmony between them.

6. Having considered submission 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.

7. Accordingly, the writ petition is allowed. Impugned F.I.R. dated 07.5.2018, registered as FIR No.20 of 2018, under Section 153 (A), 298 of IPC, & Section 67 (A) of Information & Technology Act, registered at Police Station Kaladhungi, District Nainital, is hereby quashed, so far it relates to the petitioner. Liberty is granted to the person, who is in jail, to approach the Magistrate concerned for obtaining the order for his release.

8. Compounding application is, accordingly, disposed of.

(V.K. Bist, J.)

30.05.2018

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