

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

30th SEPTEMBER, 2022

CRIMINAL MISCELLANEOUS APPLICATION NO. 1786 of 2022

Between:

Sukhdev Singh and Others ...Applicants

and

State of Uttarakhand and Another. ...Respondents

Counsel for the Applicants : Mr. Abhishek Verma.

Counsel for the Respondent : Mr. T.C. Agarwal,
No.1. Deputy Advocate
General for the State.

Counsel for the Respondent : Mr. Tajhar Qayyum.
No.2.

Hon'ble Alok Kumar Verma,J.

The applicants-accused persons, namely, Sukhdev Singh, Mangal Singh and Smt. Kaushaliya Bai have invoked the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973 to quash the summoning order dated 10.06.2021 and the entire proceedings of Criminal Case No. 507 of 2021, "State of Uttarakhand vs. Sukhdev Singh and Others", pending before the Court of Judicial Magistrate, Khatima, District Udham Singh Nagar.

2. Subsequent to submission of charge-sheet, the Magistrate took the cognizance for the offence under Sections 498A, 323 IPC and under Section 3/4 of the Dowry Prohibition Act, 1961 against the present applicants-accused persons and passed the impugned summoning order.

3. Heard Mr. Abhishek Verma, the learned counsel for the applicants, Mr. T.C. Agarwal, the learned Deputy Advocate General for the State/respondent no.1 and Mr. Tajhar Qayyum, the learned counsel for the respondent no.2.

4. The applicant no. 1- Sukhdev Singh, husband of the respondent no. 2, the applicant no.2 – Mangal Singh and the applicant no. 3 – Kaushaliya Bai, father-in-law and mother-in-law of the respondent no. 2 are present in-person before this Court and they are identified by Mr. Abhishek Verma, Advocate.

5. Smt. Kamaljeet Kaur, the informant/victim, is present in-person before this Court, and, she is identified by Mr. Tajhar Qayyum, Advocate.

6. Both, the applicants and the respondent no.2 submitted that there were matrimonial disputes between them and they have resolved their disputes, and, after resolving their matrimonial disputes, they have filed a joint compounding application along with their affidavits.

7. The applicant no. 1 and the respondent no. 2 further submitted that they are living as husband and wife and they have filed their affidavits with their free will and without any pressure.

8. The learned counsel for the State submitted that there were matrimonial disputes between the parties and they have resolved their disputes, therefore, the State has no objection.

9. Keeping in view of the totality of the facts and circumstances of the case, this Court is of the view that ends of justice would be met, if the entire proceedings of Criminal Case No. 507 of 2021, "State of Uttarakhand vs. Sukhdev Singh and Others", pending before the Court of Judicial Magistrate, Khatima, District Udham Singh Nagar, are quashed.

10. Resultantly, the entire proceedings of Criminal Case No. 507 of 2021, "State of Uttarakhand vs. Sukhdev Singh and Others", pending before the Court of Judicial Magistrate, Khatima, District Udham Singh Nagar, are quashed.

11. The Criminal Miscellaneous Application (No.1786 of 2022), filed under Section 482 of the Code of Criminal Procedure, is disposed of accordingly.

ALOK KUMAR VERMA, J.