

(2022) 05 UK CK 0100

Uttarakhand High Court

Case No: Criminal Miscellaneous Application No. 779 Of 2022

Vikas Kumar

APPELLANT

Vs

State Of Uttarakhand
And Another

RESPONDENT

Date of Decision: May 26, 2022

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 482
- Indian Penal Code, 1860 - Section 279, 337, 338

Citation: (2022) 05 UK CK 0100

Hon'ble Judges: Alok Kumar Verma, J

Bench: Single Bench

Advocate: Vaibhav Singh Chauhan, S.S. Adhikari, Manvendra Singh

Final Decision: Disposed Of

Judgement

Alok Kumar Verma, J

1. The applicant - accused has invoked the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973, to quash the

impugned charge-sheet, cognizance/ summoning order dated 26.02.2018 and the entire proceedings of Criminal Case No.141 of 2018, "State vs.

Vikas Kumar, pending before the court of Judicial Magistrate/Ist Additional Civil Judge (Senior Division), District Haridwar.

2. Subsequent to the submission of the charge-sheet, the learned trial court took the cognizance and passed the impugned summoning order against the

applicant under Sections 279, 337 and 338 of IPC.

3. Heard Mr. Vaibhav Singh Chauhan, learned counsel for the applicant, Mr. S.S. Adhikari, learned Deputy Advocate General for the State and Mr.

Manvendra Singh, learned counsel for the respondent no.2.

4. Mr. Manvendra Singh, Advocate has filed an affidavit of Sawan Kumar, injured, before this Court. The said affidavit is taken on record.

5. The respondent no.2 " Chandra Kiran and Mr. Sawan Kumar are present in-person before this Court and they are identified by Mr. Manvendra

Singh, Advocate.

6. The applicant " accused is present in-person before the Court and he is identified by Mr. Vaibhav Singh Chauhan, Advocate.

7. The respondent no.2 Chandra Kiran, Sawan Kumar and the applicant " Vikas Kumar submitted that they have filed a joint Compounding

Application (IA No.01 of 2022) along with their affidavits with their free will and without any pressure.

8. The respondent no.2 " Chandra Kiran and Sawan Kumar further submitted that they do not want to proceed with the said criminal case.

9. The learned counsel for the State has no objection.

10. 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

impugned charge-sheet, cognizance/ summoning order dated 26.02.2018 and the entire proceedings of Criminal Case No.141 of 2018, "State vs.

Vikas", pending before the court of Judicial Magistrate/Ist Additional Civil Judge (Senior Division), District Haridwar, is quashed.

11. Resultantly, the impugned charge-sheet, cognizance/ summoning order dated 26.02.2018 and the entire proceedings of Criminal Case No.141 of

2018, "State vs. Vikas", pending before the court of Judicial Magistrate/Ist Additional Civil Judge (Senior Division), District Haridwar, is quashed.

12. The Criminal Miscellaneous Application No.779 of 2022, filed under Section 482 of the Code of Criminal Procedure, is disposed of accordingly.