

(2024) 09 UK CK 0034

Uttarakhand High Court

Case No: Criminal Miscellaneous Application No. 357 Of 2024

Sanjay And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision: Sept. 21, 2024

Acts Referred:

- Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 528
- Indian Penal Code, 1860 - Section 323, 498A, 504, 506
- Dowry Prohibition Act, 1961 - Section 3, 4

Hon'ble Judges: Ravindra Maithani, J

Bench: Single Bench

Advocate: Ravi Bisht, Manisha Rana Singh, Sumit Kumar

Final Decision: Allowed

Judgement

Ravindra Maithani, J

1. Instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been preferred by the petitioners for quashing the summoning order dated 04.09.2023, charge-sheet dated 14.12.2022, under Sections 498-A, 323, 504, 506 IPC and Sections 3/4 of the Dowry Prohibition Act, 1961, passed in Criminal Case No.1237 of 2023, State of Uttarakhand vs. Sanjay and others, passed by the court of Judicial Magistrate, Bazpur, District Udham Singh Nagar ("the case") as well as entire proceeding of the case on the basis of amicable settlement between the parties. A joint compounding application has also been filed supported by the affidavits.

2. Heard learned counsel for the parties and perused the record.

3. Learned counsel for the parties would submit that it was a matrimonial discord; the parties have settled the dispute amicably; now, the applicant no.1 and the respondent no.2 are staying together.

4. The petitioners and the respondent no.2 are before the Court, as identified by their respective counsel. They have verified the compromise. They have stated that they have settled the dispute amicably.

5. The Court particularly asked the informant (respondent no.2). She would submit that they have settled the dispute amicably; she is staying with her husband and she does not want to proceed with the case.

6. Having considered the nature of the offence and other attending factors, this Court is of the view that the petition may be decided on the basis of compromise between the parties. Accordingly, the petition deserves to be allowed.

7. The petition is allowed. The summoning order dated 04.09.2023, charge-sheet dated 14.12.2022 as well as entire proceedings of the case, are hereby quashed.

8. Compounding Application (IA) No.1 of 2024 stands disposed of accordingly.