

(2024) 12 UK CK 0086

Uttarakhand High Court

Case No: Criminal Writ Petition No. 1003, 1416 Of 2024

Junaid And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision: Dec. 24, 2024

Acts Referred:

- Indian Penal Code, 1860 - Section 147, 307, 323, 427, 504
- Constitution Of India, 1950 - Article 226

Hon'ble Judges: Alok Kumar Verma, J

Bench: Single Bench

Advocate: I .D. Paliwal, Pratiroop Pandey, Pradeep Lohani, Subhash Joshi

Final Decision: Allowed

Judgement

Alok Kumar Verma, J

1. The informant - respondent no. 3 lodged an FIR on 28.04.2024 that he was checking the royalty of vehicles on 27.04.2024. At around 11:30 p.m.,

Junaid and Satyam (petitioners) along with their three companions came in WagonR vehicle (registration no. UK.18 P-5893). They wanted to take

away their vehicle without getting the royalty check done. They beat the boys of his company, namely, Kailash River Bid Mineral. They tried to run

their vehicle over them. They broke the barrier and drove away with their vehicle.

2. The present petition under Article 226 of the Constitution of India has been filed to quash the said First Information Report (No. 230 of 2024),

registered at police station Bazpur, District Udham Singh Nagar.

3. The First Information Report was registered under Sections 147, 323 and Section 504 of the Indian Penal Code, 1860 (in short, "IPC").

Section 307 I PC and Section 427 I PC have been added and Section 147 IPC has been dropped during the investigation. The name of the petitioner

â€" accused Mahesh Kumar has come to light during the investigation.

4. The record of Criminal Writ Petition (WPCRL 1003 of 2024) is being treated as a leading file.

5. Heard Mr. I.D. Paliwal, learned counsel for the petitioners, Mr. Pratiroop Pandey, learned A. G. A. for the respondent nos. 1 & 2 and Mr.

Subhash Joshi, learned counsel for the respondent no. 3.

6. The petitioners- accused Junaid, Satyam Prasad and Mahesh Kumar are present in - person. They are identified by Mr. I.D. Paliwal, Advocate.

7. Surjeet, the respondent no. 3 - informant / victim, is present in - person. He is identified by Mr. Subhash Joshi, Advocate.

8. Both, the petitioners and the respondent no. 3 have submitted that they have resolved their private disputes and after resolving their disputes, they have filed the Compounding Application with their affidavits.

9. The respondent no. 3 - Surjeet - informant / victim has further submitted that he has filed his affidavit with his free will and without any pressure.

10. The respondent no. 3 - Surjeet has also requested to quash the First Information Report.

11 Mr. Pratiroop Pandey, Advocate, has opposed the Compounding Application orally. However, he has conceded that this is no injury case.

12. Although this Court is generally hesitant in quashing the matter in respect of the offence under Section 307 IPC, it is not iced by the Court that the

FI R does not mention the names and addresses of those who have been mentioned to be beaten. Even during the investigation, no evidence has been

found so far in support of the said allegations and it is a clear statement of the informant / victim that he has filed the Compounding Application and

affidavit on his own free will and without any pressure. This is no injury case. The petitioners have no criminal antecedents.

13. After considering the facts and totality of the circumstances, the present Criminal Writ Petitions are allowed and the First Information Report No.

230 of 2024, registered at police station Bazpur, District Udham Singh Nagar, is hereby quashed along with all consequential proceedings.

14. A copy of this order be placed on the record of Criminal Writ Petition No. 1416 of 2024.