

Taj Deen Vs State Of Uttarakhand Through Secretary Home, Dehradun And Another

Court: Uttarakhand High Court

Date of Decision: Feb. 11, 2025

Acts Referred: Indian Penal Code, 1860 " Section 420, 467, 468, 471

Hon'ble Judges: Pankaj Purohit, J

Bench: Single Bench

Advocate: Raj Kumar Singh, Bhaskar Chandra Joshi, Sweta Dobhal, Rajat Mittal

Final Decision: Disposed Of

Judgement

Pankaj Purohit, J

1. Heard learned counsel for the parties.

2. Delay in filing the objection is condoned. Objection filed by the State is taken on record. Delay condonation application (IA/5/2024) made therefor,

is allowed.

3. By means of the present C482 application, the applicant has put to challenge the summoning/ cognizance order dated 27.08.2018 passed by the

learned First Additional Chief Judicial Magistrate, District Dehradun in Criminal Case No.4127 of 2018 State Vs. Tajdeen, for the offences punishable

under Sections 420, 467, 468 & 471 of IPC arising out of FIR No.228 of 2018 dated 28.05.2018 registered with police station Patel Nagar, District

Dehradun as well as the entire proceedings of the above criminal case.

4. Along with the present C482 application, a joint compounding application (IA/1/2023) is filed duly supported by separate affidavits by applicant and

respondent No.2-complainant.

5. In the compounding application, it has been stated by the parties that the applicant has returned Rs.14,50,000/- to the respondent No.2 during the

pendency of this case and the rest amount of Rs.5,50,000/- has returned by way of Demand Draft No.107430 dated 18.01.2023 issued by Punjab

National Bank, Mehuwala mafi Branch Dehradun, which was received by the respondent No.2-complainant. Since, the dispute between the parties

has settled amicably, therefore, the respondent No.2-complainant doesn't want to pursue with the case anymore.

6. Applicant-Taj Deen and respondent No.2-Kamal Gupta are present through V.C., who are duly identified by their respective counsels. On

interaction, respondent No.2-informant categorically stated that applicant-Taj Deen has returned him the entire amount of Rs.20,00,000/- and the

matter is now amicably settled by them, therefore, he wants to end the matter.

7. Learned State Counsel, per contra, expressed certain reservation in view of the Section 467, 468 and 471 IPC, against the applicant.

8. Having considered the submission made by the learned counsel for the parties and on perusal of the compounding application as well as the

documents available on record, this Court is of the view that if the parties do not wish to pursue with the criminal proceedings anymore and they have

settled their dispute amicably, it would not be useful for referring the applicant to Court to face the trial and it would amount to a futile exercise. In

view of the compromise arrived at between the parties, nothing remains to be decided in the present matter.

9. Accordingly, compounding application (IA/1/2023) is allowed. The entire proceedings of Criminal Case No.4127 of 2018S tate Vs. Tajdeen, for the

offences punishable under Sections 420, 467, 468 & 471 of IPC, pending in the Court of First Additional Chief Judicial Magistrate, District Dehradun,

is hereby quashed. Resultantly, FIR No.228 of 2018 dated 28.05.2018 registered with police station Patel Nagar, District Dehradun stands quashed.

10. Accordingly, the present C482 application is disposed of in terms of the compromise.