

(2025) 02 UK CK 0025

Uttarakhand High Court

Case No: Criminal Miscellaneous Application U/s 482 No. 464 Of 2023

Azra Ansari And Others

APPELLANT

Vs

State Of Uttarakhand Through
The Secretary Home Affairs,
Dehradun And Another

RESPONDENT

Date of Decision: Feb. 13, 2025

Acts Referred:

- Indian Penal Code, 1860 - Section 147, 325, 427

Hon'ble Judges: Pankaj Purohit, J

Bench: Single Bench

Advocate: D.S. Mehta, Bhaskar Chandra Joshi, Sweta Dobhal, Sunder Singh Mehra

Final Decision: Disposed Of

Judgement

Pankaj Purohit, J

1. Heard learned counsel for the parties.

2. Delay in filing the counter affidavit is condoned. Counter affidavit filed by the State is taken on record. Delay condonation application (IA/2/2023)

made therefor, is allowed.

3. By means of the present C482 application, the applicant have put to challenge the summoning/ cognizance order dated 10.03.2022 passed by the

learned Chief Judicial Magistrate, Nainital in Criminal Case No.270 of 2022S tate Vs. Azra Ansari and Others, for the offences punishable under

Sections 147, 325 & 427 of IPC along with Charge-sheet No.48 of 2021 dated 23.10.2021 filed pursuant to the FIR No.39 of 2021 dated 27.07.2021

registered at Police Station Bhimtal, District Nainital as well as the entire proceedings of the above criminal case.

4. Along with the present C482 application, a joint compounding application (IA/3/2024) is filed duly supported by separate affidavits by applicants and respondent No.2-complainant.

5. In the compounding application, it has been stated by the parties that they have entered into a settlement and the respondent No.2-complainant doesn't want to pursue with the case anymore.

6. Applicants-Azra Ansari, Anjum, Yasmeen, Afroz, Ikram, Bittu @ Mohd. Arib and respondent No.2-Sakir are present before this Court, who are duly identified by their respective counsels. On interaction, respondent No.2-complainant categorically stated that he wants to end the matter as the matter is now amicably settled by them.

7. Learned counsel for the applicants submits that the dispute is civil in nature and the applicants and respondent No.2-complainant are close relatives.

He further submits that they do not want to proceed the said criminal case any further and has settled the dispute amicably, therefore, it would be futile exercise to keep this matter pending.

8. Learned State Counsel, per contra, expressed certain reservation in view of the Section 147 IPC, against the applicant.

9. 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.

10. Accordingly, compounding application (IA/1/2023) is allowed. The entire proceedings of Criminal Case No.270 of 2022 State Vs. Azra Ansari

and Others, pending in the Court of learned Chief Judicial Magistrate, Nainital, is hereby quashed. Resultantly, the Charge-sheet No.48 of 2021 dated

23.10.2021 filed pursuant to the FIR No.39 of 2021 dated 27.07.2021 registered at Police Station Bhimtal, District Nainital, stands quashed.

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

12. Pending application(s), if any, also stands disposed of.