

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

18th NOVEMBER, 2022

CRIMINAL MISCELLANEOUS APPLICATION NO. 2017 of 2022

Between:

Aarif ... Applicant

and

State of Uttarakhand and Another. ...Respondents

Counsel for the Applicant : Mr. Vikas Anand,
learned counsel.

Counsel for the State : Mr. T.C. Agarwal,
learned Deputy
Advocate General.

Counsel for the Respondent : Mr. B.S. Koranga,
No. 2. learned counsel holding
brief of Mr. Devendra
Singh Mehra, learned
counsel.

Hon'ble Alok Kumar Verma,J.

The applicant-accused Aarif has invoked the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973 to quash the charge-sheet no. 09 of 2022, cognizance and summoning order dated 25.04.2022 and the entire proceedings of Criminal Case No. 107 of 2022, "State vs. Aarif", pending before the Court of Chief Judicial Magistrate, Chamoli, in terms of the compromise, entered between the parties.

2. Subsequent to the submission of the charge-sheet, the learned Trial Court took cognizance and passed the impugned summoning order against the applicant under Section 420 IPC and Section 66D of the Information Technology Act, 2000.

3. Heard Mr. Vikas Anand, learned counsel for the applicant, Mr. T.C. Aggarwal, learned Deputy Advocate General for the State and Mr. B.S. Koranga, learned counsel holding brief of Mr. Devendra Singh Mehra, learned counsel for the respondent no. 2.

4. The applicant-accused Aarif is present in-person before the Court and he is identified by Mr. Vikas Anand, Advocate.

5. Mr. Latesh Kumar, the informant/victim is present in-person before the Court and he is identified by Mr. B.S. Koranga, Advocate.

6. Both, the respondent no. 2, the informant/victim and the applicant submitted that there were private disputes between them and they have resolved their private disputes and after resolving their private disputes, they have filed a compounding application along with their affidavits with their free will and without any pressure.

7. Mr. T.C. Agarwal, learned Deputy Advocate General for the State, submitted that the State has no objection.

8. Section 482 of the Code of Criminal Procedure, 1973 envisages three circumstances in which the inherent jurisdiction may be exercised, namely, "to give effect to any order under the Code, or, to prevent abuse of the process of any Court, or, otherwise to secure the ends of justice." Therefore, this inherent jurisdiction should be exercised in appropriate cases to do real and substantial justice.

9. In the facts and circumstances of the present case, in case, the proceedings of the said criminal case are allowed to continue, it would amount to denial of complete justice to the parties. Therefore, it is a fit case, in which, the inherent jurisdiction of this Court should be exercised to do real and substantial justice.

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 charge-sheet, impugned cognizance or summoning order and the entire proceedings of Criminal Case No. 107 of 2022, "State vs. Aarif", pending before the Court of Chief Judicial Magistrate, Chamoli, are quashed.

11. Resultantly, the Charge-sheet No. 09 of 2022, cognizance and summoning order dated 25.04.2022 and the entire proceedings of Criminal Case No. 107 of 2022, "State vs. Aarif", pending before the Court of Chief Judicial Magistrate, Chamoli, are quashed.

12. The Criminal Miscellaneous Application (No. 2017 of 2022), filed under Section 482 of the Code of Criminal Procedure, is disposed of accordingly.

ALOK KUMAR VERMA, J.

Dt: 18th November, 2022
Shiksha