

Gaurav Kumar Pokhariya And Another ... vs State Of Uttarakhand And Another on 17 May, 2022

Author: Ravindra Maithani

Bench: Ravindra Maithani

HIGH COURT OF UTTARAKHAND AT NAINITAL
Criminal Misc. Application No.642 of 2022

Gaurav Kumar Pokhariya and anotherPetitioners

Versus

State of Uttarakhand and anotherRespondents

Present:

Mr. Deep Prakash Bhatt, Advocate for the petitioners.
Mr. Subhash Tyagi Bhardwaj, D.A.G. for the State.
Mr. Ajay Joshi, Advocate for the respondent no.2.

Hon'ble Ravindra Maithani, J.(Oral)

The challenge in this petition is made to the charge sheet dated 06.02.2019, summoning order dated 31.07.2019 as well as the entire proceedings of Criminal Case No. 1397 of 2019, State Vs. Gaurav Kumar Pokhariya under Sections 498-A, 323, 504, 506 IPC and Section 3, 4 of Dowry Prohibition Act, 1961, pending in the court of Additional Chief Judicial Magistrate, Khatima District Udham Singh Nagar, (for short, "the case") on the basis of amicable settlement between the parties. A compounding application No. 1 of 2022 has been filed alongwith the affidavit of the parties.

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

3. It is submitted that parties have settled the dispute amicably. The dispute arises out of matrimonial discord, which has been resolved by the parties.

4. The petitioner no.1 and the respondent no.2 are present in person before this Court, duly identified by their respective counsel. They have verified the compromise.

5. The Court particularly asked respondent no.2, the informant, she would submit that she has settled the dispute with her husband and decided to live separate and she does not want to proceed with the case.

6. Having considered all the attending factors, this Court is of the view that it is a case which may be decided on the basis of amicable settlement between the parties. Accordingly, the petition deserves to be allowed.

7. Accordingly, the instant petition is allowed. The charge sheet dated 06.02.2019, summoning order dated 31.07.2019 as well as the entire proceedings of the case is hereby quashed.

8. Compounding Application No. 1 of 2022 stands disposed of accordingly.

(Ravindra Maithani, J.) 17.05.2022 Jitendra