

Raghuveer Singh Negi vs State Of Uttarakhand And Another on 18 February, 2022

Author: Ravindra Maithani

Bench: Ravindra Maithani

HIGH COURT OF UTTARAKHAND AT NAINITAL
Criminal Misc. Application No.242 of 2022

Raghuveer Singh Negi

.....Petitioner

Versus

State of Uttarakhand and another

....Respondents

Present:

Mr. Gaurav Singh, Advocate for the petitioner.
Mr. S.S. Adhikari, D.A.G. for the State.
Mr. Shariq Khurshid, Advocate for the respondent no.2

Hon'ble Ravindra Maithani, J.(Oral)

Challenge in this petition is made to the proceedings of Sessions Trial No. 156 of 2021, State Vs. Raghuveer Singh, under Sections 376, 377, 323, 506 IPC, pending in the court of Fast Track Special Court/Additional District and Sessions Judge, Dehradun ("the Sessions Trial"), on the basis of amicable settlement between the parties.

2. Heard learned counsel for the parties through video conferencing and perused the record.

3. According to the FIR, the victim and the petitioner came in contact through some social media platform. They befriended each other. The petitioner assured the victim to marry her. But, before marriage, the petitioner, according to the FIR, forcibly established physical relations with the victim and subsequently, he declined to marry.

4. The parties have filed a Joint Compounding Application No. 1 of 2022 also. According to the petition, the petitioner and the victim, both have married on 30.11.2021 and they are living happily since thereafter. The compounding application is supported with the affidavits of the petitioner and the respondent no.2, the victim.

5. Learned counsel for the parties would submit that the parties have now married and their

marriage is registered also, therefore, they do not want to proceed with the case.

6. Generally, in a case of rape permission to compound the offence is not considered. But, instant case is based on promise to marry and subsequent denial. After lodging of the FIR, parties are married and living together. Therefore, the matter may be decided on the basis of settlement between the parties.

7. The petitioner and the respondent no.2, both have joined the proceedings through video conferencing duly identified by their respective counsel. They have stated that they are married now and staying together happily. They came in contact through a social media platform, befriended, established relations and promised to marry each other, but according to FIR, the petitioner declined to marry, FIR was lodged. Now, both have married.

8. Considering the above facts, this Court is of the view that this matter may be decided on the basis of amicable settlement between the parties.

9. The instant petition is allowed. The entire proceedings of the Sessions Trial No. 156 of 2021, pending in the court of Fast Track Special Court/Additional District and Sessions Judge, Dehradun is hereby quashed.

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

(Ravindra Maithani, J.) 18.02.2022 Jitendra