

"State vs Shamim Ahmad & Others" on 18 August, 2022

Author: Alok Kumar Verma

Bench: Alok Kumar Verma

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

18th AUGUST, 2022

CRIMINAL MISCELLANEOUS APPLICATION NO.1434 of 2022

Between:

Shamim Ahmad and Another. Applicants
and

State of Uttarakhand and Others. Respondents

Counsel for the Applicants : Mr. Mohit Kumar, learned
counsel.

Counsel for the State/
Respondent No.1 : Mr. Atul Kumar Shah,
learned Deputy Advocate
General assisted by Mrs.
Mamta Joshi, learned Brief
Holder for the State.

Counsel for the informant/victim
Respondent nos.2 and3 : Km. Meenu,
learned counsel.

Hon'ble Alok Kumar Verma,J.

This application has been filed under Section 482 of the Code of Criminal Procedure, 1973 to quash the entire proceedings of Criminal Case No. 5649 of 2021, "State vs. Shamim Ahmad & Others", pending before the court of the Additional Chief Judicial Magistrate/Ist Additional Civil Judge (Senior Division) Udham Singh Nagar for the offence under Sections 452, 323, 504, 506 of IPC.

2. Heard Mr. Mohit Kumar, the learned counsel for the applicants, Mr. Atul Kumar Shah, the learned Deputy Advocate General assisted by Mrs. Mamta Joshi, the learned Brief Holder for the State and Km. Meenu, the learned counsel for the respondent nos. 2 and 3/ informant/victim.
3. The learned counsel for the State submitted that according to the present matter, the applicant-accused persons, namely, Shamim Ahmad and Shareef Ahmad entered into the house of the respondent no.2, abused her and her daughter, the respondent no.3, beat them and threatened them for dire consequences.
4. Both the applicants-accused persons, namely, Shamim Ahmad and Shareef Ahmad are present in-person before this Court. They are identified by Mr. Mohit Kumar, Advocate.
5. The respondent no. 2, informant/victim and the respondent no.3 (minor), victim through her mother, are present in-person and they are identified by Km. Meenu, Advocate.
6. The applicants and the respondent no. 2 submitted that there were private disputes between them and the said disputes have been resolved and after resolving their disputes, they have filed a joint compounding application along with their affidavits. The respondent no.2 further submitted that she has filed an affidavit with her free will and without any pressure, and, she does not want to proceed with the said criminal case against the applicants.
7. The learned counsel for the State has no objection.
8. 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 entire proceedings of Criminal Case No. 5649 of 2021, "State vs. Shamim Ahmad & Others", pending before the court of the Additional Chief Judicial Magistrate/Ist Additional Civil Judge (Senior Division) Udham Singh Nagar for the offence under Sections 452, 323, 504, 506 of IPC, are quashed.
9. Resultantly, the entire proceedings of Criminal Case No. 5649 of 2021, "State vs. Shamim Ahmad & Others", pending before the court of the Additional Chief Judicial Magistrate/Ist Additional Civil Judge (Senior Division) Udham Singh Nagar for the offence under Sections 452, 323, 504, 506 of IPC, are quashed.
10. The Criminal Miscellaneous Application (No.1434 of 2022), filed under Section 482 of the Code of Criminal Procedure, is disposed of accordingly.

_____ ALOK KUMAR VERMA, J.

Dated: 18th August, 2022 Neha