



2024:UHC:9881

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

24TH DECEMBER, 2024

Criminal Writ Petition No. 1003 of 2024

Junaid

.....Petitioner

Versus

State of Uttarakhand and Others

.....Respondents

Counsel for the Petitioner : Mr. I.D. Paliwal,
Advocate.

Counsel for the Respondent: Mr. Pratiroop Pandey,
Nos. 1 & 2 A.G.A. assisted by
Mr. Pradeep Lohani, Brief
Holder.

Counsel for the Respondent : Mr. Subhash Joshi,
No.3-informant/victim Advocate.

WITH

Criminal Writ Petition No. 1416 of 2024

Satyam Prasad and Mahesh Kumar

.....Petitioners

Versus

State of Uttarakhand and Others

.....Respondents

Counsel for the Petitioners : Mr. I.D. Paliwal,
Advocate.

Counsel for the Respondent: Mr. Pratiroop Pandey,
Nos. 1 & 2 A.G.A. assisted by



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Mr. Pradeep Lohani, Brief
Holder.

Counsel for the Respondent : Mr. Subhash Joshi,
No.3-informant/victim Advocate.

Hon'ble Alok Kumar Verma,J.

The informant-respondent no.3 lodged an FIR on 28.04.2024 that he was checking the royalty of vehicles on 27.04.2024. At around 11:30 p.m., Junaid and Satyam (petitioners) along with their three companions came in WagonR vehicle (registration no.UK.18 P-5893). They wanted to take away their vehicle without getting the royalty check done. They beat the boys of his company, namely, Kailash River Bid Mineral. They tried to run their vehicle over them. They broke the barrier and drove away with their vehicle.

2. The present petition under Article 226 of the Constitution of India has been filed to quash the said First Information Report (No.230 of 2024), registered at police station Bazpur, District Udham Singh Nagar.

3. The First Information Report was registered under Sections 147, 323 and Section 504 of the Indian Penal Code, 1860 (in short, "IPC"). Section 307 IPC and Section 427 IPC have been added and Section 147 IPC has been dropped during the investigation. The name of the petitioner – accused Mahesh Kumar has come to light



during the investigation.

4. The record of Criminal Writ Petition (WPCRL 1003 of 2024) is being treated as a leading file.

5. Heard Mr. I.D. Paliwal, learned counsel for the petitioners, Mr. Pratiroop Pandey, learned A.G.A. for the respondent nos. 1 & 2 and Mr. Subhash Joshi, learned counsel for the respondent no.3.

6. The petitioners-accused Junaid, Satyam Prasad and Mahesh Kumar are present in-person. They are identified by Mr. I.D. Paliwal, Advocate.

7. Surjeet, the respondent no.3-informant/victim, is present in-person. He is identified by Mr. Subhash Joshi, Advocate.

8. Both, the petitioners and the respondent no.3 have submitted that they have resolved their private disputes and after resolving their disputes, they have filed the Compounding Application with their affidavits.

9. The respondent no.3-Surjeet-informant/ victim has further submitted that he has filed his affidavit with his free will and without any pressure.

10. The respondent no.3-Surjeet has also requested to quash the First Information Report.

11 Mr. Pratiroop Pandey, Advocate, has opposed the Compounding Application orally. However, he has conceded that this is no injury case.



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12. Although this Court is generally hesitant in quashing the matter in respect of the offence under Section 307 IPC, it is noticed by the Court that the FIR does not mention the names and addresses of those who have been mentioned to be beaten. Even during the investigation, no evidence has been found so far in support of the said allegations and it is a clear statement of the informant / victim that he has filed the Compounding Application and affidavit on his own free will and without any pressure. This is no injury case. The petitioners have no criminal antecedents.

13. After considering the facts and totality of the circumstances, the present Criminal Writ Petitions are allowed and the First Information Report No.230 of 2024, registered at police station Bazpur, District Udham Singh Nagar, is hereby quashed along with all consequential proceedings.

14. A copy of this order be placed on the record of Criminal Writ Petition No.1416 of 2024.

ALOK KUMAR VERMA, J.

Dt: 24.12.2024

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SHIV PRASAD

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