



2025:UHC:11671

**IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL**

31st December 2025

Criminal Misc Application No. 2334 of 2025

**With
Compounding Application IA No.1 of 2025**

Vimal Kishore Sharma and Another
.....Applicants

Vs.

State of Uttarakhand and Another
....Respondents

Counsel for the Applicants:

Counsel for the State:

Counsel for the respondent:

Mrs. Prabha Naithani, learned
counsel through V.C.

Mr. Deepak Bhardwaj, learned
Brief Holder.

Mr. Vikas Bahuguna, learned
counsel for respondent no. 2
through V.C.

Hon'ble Rakesh Thapliyal, J.

Instant application has been preferred by the applicants alongwith compounding application.

2. Both the applicants are present in Court, the respondent no.2 who is in fact is the wife of the applicant no.1 also join the proceedings through V.C. The applicant no.1 married with the respondent no. 2 on 07.12.2020, however, some differences were arose in between both of them due to which they are living separately since February 2021. There are no issues from their marriage. Now the instant application has been moved along with



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the compounding application supported with the affidavit of both the applicants and the respondent no.2 with this contention that they now settled their disputes amicably and decided that the applicant no.1 shall pay a sum of Rs. 10,000,00 (Ten Lakhs) towards permanent alimony respondent-wife and get divorce by way of mutual consent. It has also been apprise to this Court that the divorce petition has already been filed in the Family Court Dehradun seeking divorce by way of mutual consent and the amount towards the permanent alimony of Rs. 10,000,00 (Ten Lakhs) has already been deposited in the Family Court Dehradun which can be encashed only on second motion. The first motion has already been completed and the second motion is fixed before the Family Court on 18.06.2026.

3. It is very strange that both the parties are living separately since February 2021 but for second motion the matter is fixed by the Family Court in the month of June 2026. There is no such justification occasion to fix such a longer date for the second motion. Now the parties have settled their disputes amicably and the amounts towards the permanent alimony has also been fixed which the respondent no.2-wife is agreed then what is the justification for giving a longer date in the second motion. Therefore, both the parties are directed to



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move an application before the Family Court Dehradun immediately to prepone the date and if such an application is moved by either of the parties, the Family Court Dehradun is directed to prepone the date and give shorter date so that the appropriate orders be passed in the divorce suit and so that the parties may strategically plan for future. Both the parties are identified by their respective counsels through their Adhar Cards.

4. Since the parties have settled their disputes, there is no any useful purpose to continue the proceeding of instant petition.

5. In such view of the matter, the Compounding Application No. 1 of 2025 is allowed. The proceedings of Criminal Case No. 7244 of 2022, State of Uttarakhand vs. Janardan Sharma and others, pending in the Court of Additional Chief Judicial Magistrate, Dehradun, is hereby quashed.

6. Subject to the observation and direction as above, the instant application preferred under Section 528 of BNSS 2023 is disposed of.

RAKESH THAPLIYAL, J.

Nahid



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