IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc. Application No.375 of 2020

Rahul Singh and another .....Applicants

Vs.

State of Uttarakhand and another .....Respondent

Presents:
Mr. Abhishek Verma, learned Advocate for the applicants.
Mr. S.S. Adhikari, learned AGA assisted by Mr. P.S. Uniyal, learned Brief Holder for the State of Uttarakhand/respondent No.1.
Mr. Mehboob Rahi, learned Advocate for respondent No.2.

Hon'ble Alok Kumar Verma, J.

Heard learned counsel for the applicants, learned AGA for the State of Uttarakhand/respondent No.1 and Mr. Mehboob Rahi, learned Advocate for respondent No.2.

2. This Criminal Misc. Application has been filed under Section 482 of the Code of Criminal Procedure, 1973 to quash the impugned charge-sheet dated 22.08.2019, summoning order dated 27.08.2019 and entire proceedings of Criminal Case No.70 of 2020 (Case Crime No.361 of 2019), State Vs. Rahul Singh and another, under Sections 420, 467, 468, 471, 140, 171, 504, 506 of the Indian Penal Code, 1860, registered at Police Station Kotwali, Roorkee, District Haridwar, pending before the Judicial Magistrate/Civil Judge (Jr. Div.), Roorkee, District Haridwar.

3. The learned counsel for both the parties submit that they have settled their disputes amicably and reached to compromise pursuant to which the applicants-accused persons and respondent No.2, informant and victim, filed the Compounding Application (CRMA) No.701 of 2020.

4. The learned counsel for the applicants-accused persons submits that the applicants-accused persons are in

judicial custody. Ajeet Kumar Chauhan, respondent No.2, informant and victim, is present in person, duly identified by his counsel. The respondent No.2 submits that he filed his affidavit with his free will, without any pressure and he does not want to proceed with this case against the applicants-accused persons.

5. The learned AGA appearing for the State of Uttarakhand submits that the State has no objection against the submissions of the applicant and respondent No.2.

6. Keeping in view the totality of facts and circumstances, this Court is of the view that ends of justice would be met if, the charge-sheet dated 22.08.2019 and summoning order dated 27.08.2019 with entire proceedings of Criminal Case No.70 of 2020 (Case Crime No.361 of 2019), State Vs. Rahul Singh and another, under Sections 420, 467, 468, 471, 140, 171, 504, 506 of the I.P.C., pending before the Judicial Magistrate/Civil Judge (Jr. Div.), Roorkee, District Haridwar are quashed qua applicants.

7. Resultantly, the charge-sheet dated 22.08.2019 and summoning order dated 27.08.2019 with entire proceedings of Criminal Case No.70 of 2020 (Case Crime No.361 of 2019), State Vs. Rahul Singh and another, under Sections 420, 467, 468, 471, 140, 171, 504, 506 of the I.P.C., pending before the Judicial Magistrate/Civil Judge (Jr. Div.), Roorkee, District Haridwar are quashed qua applicants.

8. This criminal misc. application is disposed of accordingly.

9. The applicants are in judicial custody. In case, the applicants-accused persons are not wanted in any other case, they shall be released forthwith.

10. Before parting with this order, it is clarified that the impugned criminal proceedings are quashed only against the applicants.

11. Let a copy of this order be sent to the Superintendent of the concerned Jail for compliance.

(**Alok Kumar Verma, J.**)
03.03.2020

Sanjay