IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc. Application No.1846 of 2023
(Under Section 482 of Cr.P.C.)

Shivam and another .....Applicants

Versus

State of Uttarakhand and Another .....Respondents

Presence: Ms. Lubhna Jahan and Ms. Shumayla Zafri, learned counsel for the applicants.
Mr. Virendra Singh Rawat, learned A.G.A. with Ms. Rangoli Purohit, learned Brief Holder for the State of Uttarakhand/respondent No.1.
Ms. Alveena Zafri, learned counsel has appeared for respondent No.2.

Hon'ble Pankaj Purohit, J.

Delay in filing the counter affidavit is condoned. Counter affidavit filed by the State is taken on record. Delay condonation application (IA/1/2023) made therefor, is allowed.

2. By means of this C482 application, applicants have challenged the Charge-sheet No.3 of 2022 dated 07.01.2022 registered in FIR No.165 of 2021 dated 01.08.2021 under Section 498A I.P.C. and Section 3/4 of the Dowry Prohibition Act, pending in the Court of learned Additional Chief Judicial Magistrate, Kotdwar, District Pauri Garhwal.

3. Today, the matter is taken up in the National Lok Adalat being held in the premises of the High Court of Uttarakhand.

4. Along with C482 application, a joint compounding application (IA/2/2024) has also been moved by the parties, supported by their separate affidavits.

5. Both the parties to the litigation i.e. applicants-Shivam and Smt. Suma Devi and respondent No.2/

complainant-Smt. Deepika, are present through V.C., who are duly identified by their respective counsels.

6. Both the parties to the C482 applications have settled their *lis* in terms of the written compromise filed in the C482 application. In the compounding application, it is pleaded that the dispute is matrimonial in nature and respondent No.2 did not want to prosecute against the applicants.

7. Since the parties have entered into compromise, therefore, there is no useful purpose for keeping this criminal case pending and it will be a futile exercise to ask the applicants to appear before the court below as accused to face the trial. In this view of the matter, the compounding application (IA/2/2024) is allowed.

8. Accordingly, the C482 application is allowed in terms of the compromise entered into between the parties terms whereof have been narrated in the compounding application. The said compromise sheet shall form part of this judgment.

9. Consequently, the Charge-sheet No.3 of 2022 dated 07.01.2022, FIR No.165 of 2021 dated 01.08.2021 under Section 498A I.P.C. and Section 3/4 of the Dowry Prohibition Act, are quashed and the entire proceedings of Criminal Case No.138 of 2022, State Vs. Shivam and another, pending in the Court of learned Additional Chief Judicial Magistrate, Kotdwar, District Pauri Garhwal, shall stand quashed.

10. Office to do the needful.

(Pankaj Purohit, J.)
14.12.2024

PN