IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL
(Before the National Lok Adalat)

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

14TH DECEMBER, 2024

CRIMINAL MISCELLANEOUS APPLICATION NO.742 OF 2024

Mohd. Javed .....Applicant

Versus

State of Uttarakhand and Another .....Respondents

Counsel for the Applicant	:	Mrs. Prabha Naithani, Advocate.
Counsel for the State	:	Mr. S.C. Dumka, AGA with Mr. Rakesh Negi, Brief Holder.
Counsel for the Respondent No.2/informant/victim	:	Mr. Gaurav Pawar, Advocate.

Hon'ble Alok Kumar Verma, J.

The present Application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the applicant – accused Mohd. Javed to quash the entire proceedings of Criminal Case No.816 of 2024, "State vs. Mahesh Kumar and Another", pending before the court of Chief Judicial Magistrate, Pithoragarh under Sections 420, 406 and Section 120 B of the Indian Penal Code, 1860.

2. The applicant is in judicial custody.

3. Heard Mrs. Prabha Naithani, learned counsel for the applicant, Mr. S.C. Dumka, learned AGA with Mr. Rakesh Negi, learned Brief Holder for the State and Mr. Gaurav Pawar, learned counsel for the respondent no.2.

4. Respondent no.2 – informant/ victim Kamlesh Singh, is present in-person. He is identified by Mr. Gaurav Pawar, Advocate.

5. Mr. Kamlesh Singh, the respondent no.2, submitted that the relationship between him and the applicant is now cordial. He does not want to proceed with the said criminal case against the applicant – Mohd. Javed. Therefore, he has compounded the offences with his free will and without any pressure.

6. Mr. S.C. Dumka, Advocate has not opposed the submission of the respondent no.2.

7. Mr. Kamlesh Singh, the respondent no.2 submitted that he has filed the Compounding Application (IA No.1 of 2023) and his affidavit with his free will and without any pressure.

8. In the facts and circumstances of this case, the present Criminal Miscellaneous Application (C528 No.742 of 2024) deserves to be allowed and is accordingly allowed by holding that since the offences have been compounded, the applicant – Mohd. Javed is entitled to acquittal.

9. Consequently, the entire proceedings of Criminal Case No.816 of 2024, “State vs. Mahesh Kumar and Another”, pending before the court of Chief Judicial Magistrate, Pithoragarh under Sections 420, 406 and Section 120 B of the Indian Penal Code, 1860 are quashed qua the applicant Mohd. Javed only. The applicant is ordered to be acquitted of the charges levelled against him.

10. The applicant Mohd. Javed be released immediately, if he is not required for any other offence.

11. A copy of this order be sent to the trial court and to the Superintendent of Jail, Pithoragarh forthwith for compliance and necessary action.

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ALOK KUMAR VERMA, J.

Dated : 14.12.2024
JKJ/Pant