

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

**THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA**

**02<sup>ND</sup> MARCH, 2022**

**CRIMINAL WRIT PETITION NO.2174 of 2021**

Between:

Avinash Kumar Sharma and Others ...Petitioners

and

State of Uttarakhand and Others ...Respondents

Counsel for the Petitioners : Mr. Anchit Khokher.

Counsel for the Respondent/ State : Mr. Pratiroop Pandey, learned A.G.A. for the State.

Counsel for the Informant-respondent no.3 : Mr. D.P. Mittal.

**Hon'ble Alok Kumar Verma, J.**

This Criminal Writ Petition has been filed under Article 226 of the Constitution of India to quash the First Information Report No.248 of 2021, registered with Police Station Jaspur, District Udhampur for the offence under Section 364 of I.P.C.

**2.** Heard Mr. Anchit Khokher, the learned counsel for the petitioners, Mr. Pratiroop Pandey, the learned A.G.A. for the State and Mr. D.P. Mittal, the learned counsel for the respondent no.3.

3. The First Information Report was lodged by the respondent no.3. According to the FIR, on 14.11.2021, Mohd. Yakub, the husband of the respondent no.3, was assaulted by the petitioner no.1, brother of the respondent no.3, the petitioner no.2, father of the respondent no.3 and the petitioner no.3, the real uncle of the respondent no.3.

4. Mohd. Yakub S/o Mohd Hussain, R/o Vill. Rajpur, Police Station Jaspur, District Udhampur, the husband of the respondent no.3 and Pragaya Gaud alias Yasamin Jahan, the respondent no.3, are present before this Court. They are identified by Mr. D.P. Mittal, Advocate. All the three petitioners are also present before this Court. They are identified by their counsel Mr. Anchit Khokher.

5. Mohd. Yakub, the husband of the respondent no.3, respondent no.3 and all three petitioners submitted that they have settled their dispute and they have arrived at an amicable settlement. The respondent no.3 stated that she is living with her husband peacefully. The petitioners and the respondent no.3 submitted that they have filed a compounding application along with their affidavits with their free will and without any pressure.

6. Mr. Pratiroop Pandey, the learned A.G.A. for the State has no objection.

7. Though, this Court would normally be hesitant to quash the First Information Report, lodged under Section 364 I.P.C., it is noticed that there is no dispute between the parties and they are living in peace and harmony.

8. Keeping in view of the totality of the facts and circumstances of the case, this Court is of the view that ends of justice would be met, if the impugned First Information Report No. No.248 of 2021, registered with Police Station Jaspur, District Udhampur for the offence under Section 364 of I.P.C., is quashed.

9. Resultantly, the impugned First Information Report No. No.248 of 2021, registered with Police Station Jaspur, District Udhampur for the offence under Section 364 of I.P.C., is hereby quashed.

10. The Criminal Writ Petition No.2174 of 2021 is disposed of, accordingly.

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**ALOK KUMAR VERMA, J.**

Dated: 2<sup>nd</sup> March, 2022  
JKJ/Pant