



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. _____ OF 2024
(Arising out of SLP(Crl.) No. 8401 of 2023)

SHUBRA P KANDPAL

...APPELLANT(S)

VERSUS

**THE STATE OF UTTARAKHAND
AND OTHERS**

...RESPONDENT(S)

J U D G M E N T

B.R. GAVAI, J.

1. Leave granted.
2. This appeal challenges the judgment and order passed by the learned Single Judge of the High Court of Uttarakhand at Nainital in Criminal Misc. Application No. 355 of 2022, vide which the learned Single Judge partly allowed the petition preferred by the appellant under Section 482 of the Code of Criminal Procedure, 1873 (for short, 'Cr.P.C.') for quashing of the order dated 8th February 2022 passed by the Special Judge, SC/ST Act vide which the learned Special Judge had taken cognizance of the charges under Sections 504 and 506 of the Indian Penal Code, 1860 (for short, 'IPC') and Sections 3(1)(r) and (s) of the Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the SC/ST Act') as well as for quashing of the entire proceedings pending against the appellant. The High Court had quashed the proceedings under Sections 3(1)(r) and (s) of the SC/ST Act, however, refused to quash the proceedings under Sections 504 and 506 of IPC.

3. The First Information Report (FIR) No.507 dated 19th September 2021 was lodged at P.S. Haldwani, Nainital by Respondent Nos.2 to 6 against the appellant herein under Sections 389, 504 and 506 of the IPC and Sections 3(1)(r) and (s) of the SC/ST Act. On the basis of the FIR, investigation was conducted and at the conclusion of the investigation a charge-sheet came to be filed.

4. The respondent No.2 herein, who is the first informant, was working as the Principal of the Moti Ram Babu Ram Govt. Post Graduate College, Haldwani, Uttarakhand, whereas the appellant and Respondent Nos.3 to 6 were employed as Assistant Professors in the said College.

5. It is the case of the appellant that the respondents herein harassed the appellant on multiple occasions, which was reported to the higher authorities. However, since no

steps were taken on the basis of her complaint, the appellant was compelled to file FIR No.506 of 2021 dated 19th September 2021 under Section 354-A of the IPC against respondent Nos.2 to 6.

6. Learned Single Judge of the High Court, after considering the material placed on record, found that since the utterances on the basis of caste made by the appellant against Respondent No.6 were not made only on account of respondent No.6 belonging to a Scheduled Caste but on account of a pre-existing dispute between the parties, the case could not proceed under the provisions of the SC/ST Act.

7. Insofar as the other offences under the IPC are concerned, the learned Judge found that the material placed on record would show that a prima facie case was made out against the appellant.

8. On an earlier occasion, when the matter was being heard by this Court, taking into consideration that the accused in both the FIRs were the employees of a Government College, it was felt appropriate that an attempt be made to settle the matter amicably. The matter was

therefore referred to mediation.

9. We have heard Ms. Anagha S. Desai, learned counsel for the appellant, Shri Manan Verma, learned counsel appearing for the State of Uttarakhand and Shri Kunal Singh, learned counsel appearing for Respondent Nos.2 to 6.

10. It is reported by the learned counsel for the parties that the mediation has been successful and parties on both the sides have resolved to give an end to the criminal proceedings filed against each other. The settlement agreement dated 18th November 2024 is also placed on record along with the joint application filed by the learned counsel for the parties seeking the quashing of the cross FIRs in view of the Settlement Agreement.

11. We find that this is a fit case wherein, in order to give an end to the criminal proceedings between the parties, who are employees of an educational institution, the proceedings can be quashed by this Court by invoking its powers under Article 142 of the Constitution of India.

12. The cross FIRs, one filed by the appellant against Respondent Nos.2 to 6 and the other lodged by Respondent Nos.2 to 6 against the appellant i.e. FIR Nos.506 of 2021 and

507 of 2021 lodged at Police Station Haldwani, Nainital are quashed and set aside. The appeal is accordingly allowed.

13. We place on record our appreciation for the efforts made by Ms. Manjeet Chawla, learned Mediator, Ms. Anagha S. Desai and Shri Kunal Singh, learned counsel for Respondent Nos.2 to 6 to give an end to the criminal proceedings between the parties.

14. Pending application(s), if any, shall stand disposed of.

.....**J.**
(B.R. GAVAI)

.....**J.**
(K.V. VISWANATHAN)

NEW DELHI;
DECEMBER 03, 2024.