
(2020) 01 UK CK 0058

In the Uttarakhand High Court

Case No : Writ Petition (Crl.) No. 121 Of 2020, CLMA No. 736 Of 2020
(Compounding Application) IA No. 958 Of 2020 (Urgency Application)

Amit Singh Rawat

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 17-01-2020

Acts Referred:

Indian Penal Code, 1860 — Section 279, 337

Citation : (2020) 01 UK CK 0058

Hon'ble Judges : N.S. Dhanik, J

Bench : Single Bench

Advocate : Kurban Ali, J.S. Virk, Lubhna Jahan

Final Decision : Allowed/ Disposed Of

Judgement

N.S. Dhanik, J

1. This petition has been filed by the petitioner for quashing the F.I.R. registered as FIR No. 0323 of 2019, under Section 279 & 337 of IPC, Police

Station Kotdwar, District Pauri Garhwal on the ground that, the dispute has been amicably settled between the parties and the offence has been

compounded. Along with this writ petition, joint compounding application has also been filed by the parties. In support of compounding application,

affidavits have been filed by Mr. Amit Singh Rawat (petitioner) and Mr. Yashpal Singh Bisht (respondent no.3/complainant). It is submitted by the

learned counsel for the parties that the parties have entered into the compromise and the respondent no.3 does not want to pursue his case against the

petitioner. It is prayed that the offences punishable under Section 279 & 337 of IPC, arising out of F.I.R. No. 0323 of 2019, registered at Police

Station Kotdwar, District Pauri Garhwal, may be compounded and the F.I.R. may

be quashed.

2. Petitioner and respondent no.3 (complainant) are present in the Court today and they are duly identified by their respective counsel. Petitioner and

respondent no.3 (complainant) categorically stated that the dispute has been settled between them and there is no grievance remained between them

and they are ready to compound the offences.

3. Learned counsel for the respondent no.3 submitted that dispute between the parties have now been settled amicably and they are left with no

grudges and, now, they want to live peacefully in future.

4. Learned State Counsel opposed the compounding application on the ground that Section 279 of IPC is non-compoundable.

5. In view of the principle of law laid down by Honâ??ble the Apex Court in the case of Gian Singh vs. State of Punjab reported in 2012 (10) SCC

303 as well as in Transfer Petition (Criminal) No. 115 of 2012 (Dimpey Gujral vs. Union Territory of Chandigarh) decided on 06.12.2012, criminal

proceedings can be quashed by the Court, if the Court is satisfied that matter has been settled between the parties amicably and parties are interested

to restore peace and harmony between them.

6. Having considered submission of learned counsel for the parties and after going through the entire material available on record, I am satisfied that

the matter has been settled between the parties amicably. Therefore, the writ petition deserves to be allowed.

7. Accordingly, the writ petition is allowed. Impugned F.I.R. No. 0323 of 2019, under Section 279 & 337 of IPC, registered at Police Station Kotdwar,

District Pauri Garhwal, is hereby quashed, so far it relates to the petitioner.

8. Compounding application is, accordingly, disposed of.