

(2020) 01 UK CK 0031

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 2792 Of 2019

Anand Pal & Others

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 08-01-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 147, 148, 149, 323, 324, 325, 504, 506

Citation : (2020) 01 UK CK 0031

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

Bench : Single Bench

Advocate : Sheetal, Manoj Joshi, Pramod Tewari, Rajendra Singh Azad

Final Decision : Disposed Of

Judgement

N.S. Dhanik, J

This Criminal Miscellaneous Application, under Section 482 CrPC, along with compounding application, is preferred to quash the chargesheet,

summoning/cognizance order dated 19.3.2019 as well as the entire proceedings of Criminal Case No. 284 of 2019, State v. Anand Pal & Others,

under Sections 147, 148, 149, 323, 324, 325, 504 and 506 IPC, pending in the Court of Additional Chief Judicial Magistrate, Laksar, District Haridwar.

In the present case, FIR lodged by respondent no. 2 culminated into submission of chargesheet, whereupon the cognizance order was issued asking

the accused applicants to face trial for the aforementioned offences.

In the compounding application, duly supported by the affidavit injured/respondent no. 5 and signed by all the parties, it has been stated that parties

have amicably settled their dispute and the complainant and the victims do not want to prosecute the accused applicants. Accused persons, the

complainant and the victims, duly identified by their respective Counsel, appeared in person today. They admitted the contents of the compounding application and stated that they have entered into compromise and amicably settled the dispute.

Learned State Counsel opposed the compounding application and contended that offences under Section 147, 148, 149 and 324 IPC are non-compoundable.

Needless to say, non-compoundable offence cannot be compounded. But considering the proposition of law laid down by the Honâ??ble Apex Court

in *Nikhil Merchant v. C.B.I. & Ors*, (2008) 9 SCC 677; *B.S. Joshi v. State of Haryana & Anr.* reported in (2003) 4 SCC 675, and in *Gian Singh*

v. State of Punjab & Another, (2012) 10 SCC 303, where there is a genuine compromise and there is hardly any likelihood of the offender being

convicted and continuance of the proceedings, after the compromise having been arrived at between the parties, would be a futile exercise, the

compromise should be accepted and the proceedings should be quashed.

Considering the facts and circumstances of the case and the legal proposition propounded by the Honâ??ble Apex Court, compounding application is

allowed. Compromise arrived at between the parties is accepted.

Consequently, the chargesheet, summoning/cognizance order dated 19.3.2019 as well as the entire proceedings of Criminal Case No. 284 of 2019,

State v. Anand Pal & Others, under Sections 147, 148, 149, 323, 324, 325, 504 and 506 IPC, pending in the Court of Additional Chief Judicial

Magistrate, Laksar, District Haridwar, are hereby quashed.

Present criminal miscellaneous application stands disposed of.