

(2022) 06 UK CK 0038

In the Uttarakhand High Court

Case No : Compromise Application No. (I.A. No. 1 Of 2022) In Writ Petition (Crl.) No. 1087 Of 2022

Anus And Others

APPELLANT

Vs

Senior Superintendent Of Police & Others

RESPONDENT

Date of Decision : 10-06-2022

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 323, 504

Scheduled Tribes (Prevention Of Atrocities) Act, 1989 — Section 3(1)(D), 3(1)(GH)

Citation : (2022) 06 UK CK 0038

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Rajveer Singh, Kuldeep S. Rawal, Ravinder Kumar Verma

Final Decision : Allowed

Judgement

Manoj K. Tiwari, J

1. Heard learned counsel for the parties.
2. By means of this writ petition, petitioners have sought quashing of F.I.R. No. 0352 of 2022, under Sections 147, 148, 323, 504 I.P.C., Section 3 (1) (D) & 3(1) (GH) of S.C./S.T. Act, registered at Police Station Kotwali, Civil Line, District Haridwar.
3. A compounding application, jointly signed by counsel for respondent no. 3 and counsel for the petitioners has been filed duly supported by affidavits of petitioner no. 3 and respondent no. 3 (complainant).
4. Learned counsel for the petitioners submits that parties have entered into settlement, therefore, the matter needs to be compounded.
5. Learned counsel for respondent no. 3 submits that dispute has now been amicably settled between the parties, therefore, his client wants to close the matter to ensure that peace is restored.

6. Petitioners and respondent no. 3 (complainant) appeared before this Court, who are duly identified by their respective counsels.

7. Parties present in Court also made a statement that in view of the settlement, they want to close the matter.

8. Learned State Counsel submits that offences under Section 147, 148 I.P.C. and Section 3 (1) (D) & 3(1) (GH) of S.C./S.T. are non-compoundable, however, in view of law laid down by Hon'ble Apex Court in case of Gian Singh Vs. State of Punjab, the same can be compounded with the leave of this Court. He further submits that all the offences are punishable for less than seven years.

9. Having regard to the nature of offence and also considering the broad guidelines issued by Hon'ble Apex Court in the case of Gian Singh Vs State of Punjab reported in (2012) 10 SCC 303 and Narinder Singh & others Vs State of Punjab & another reported in (2014) 6 SCC 466, request of the petitioners deserves to be acceded to.

10. Since the parties have entered into a compromise, therefore, possibility of the trial resulting into conviction of the accused is remote and bleak and, that being so, continuation of criminal proceedings would visit the accused with great oppression, prejudice and injustice. Rather, it would tantamount to abuse of process of law. Ends of justice would be met if criminal proceedings are put to an end, because this would allow the parties to translate their decision to live in peace in the reality. The only consideration for the compromise reached between the parties seems to be their desire to bury the hatchet for all times to come. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.

11. In view of above discussion, the writ petition is allowed. F.I.R. No. 0352 of 2022, under Sections 147, 148, 323, 504 I.P.C., Section 3 (1) (D) & 3(1) (GH) of S.C./S.T. Act, registered at Police Station Kotwali, Civil Line, District Haridwar, is hereby quashed along with all the proceedings emanating therefrom.

12. Compounding application is, accordingly, disposed of.