
(2022) 10 UK CK 0001

In the Uttarakhand High Court

Case No : Compounding Application (IA No. 1 Of 2022) In Writ Petition
(Criminal) No. 1880 Of 2022

Arun Kumar

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 01-10-2022

Acts Referred:

Indian Penal Code, 1860 — Section 420
Code Of Criminal Procedure, 1973 — Section 320
Constitution Of India, 1950 — Article 226

Citation : (2022) 10 UK CK 0001

Hon'ble Judges : Sanjaya Kumar Mishra, J

Bench : Single Bench

Advocate : Rajat Mittal, Manisha Rana, Kamlesh Tiwari

Final Decision : Allowed

Judgement

Sanjaya Kumar Mishra, J

1. This writ application has been filed for quashing of the FIR No. 317 of 2022, for the offences punishable under Section 420 of the Indian Penal Code, Police Station Vikas Nagar, District Dehradun.

2. A compounding application being IA No.1 of 2022 has been filed by the parties for disposing of the case on the basis of compromise arrived at between the parties with prayer to quash the FIR dated 21.08.2022, as the parties have settled their disputes amicably. The petitioner is in jail. Petitioner's wife and the complainant are present in person and submitted their identity proofs, namely, Aadhar Cards and they are duly identified by their respective counsel. The complainant Sunil Kumar Patrick stated that he has compromised the case only because the petitioner has very small dependent children and they are facing difficulties in view of the criminal case pending against the petitioner. The complainant also submits that the money has been returned by the petitioner as he is in judicial custody. It is further stated that there is no criminal case pending

against the petitioner. He is an offender only in the present matter.

3. I have perused the respective Adhar Cards of all the parties. I am satisfied that there is an amicable settlement between the parties.

4. However, learned counsel for the State submits that the offence under Section 420 IPC is compoundable offence with the permission of the Court. However, in view of the fact that compounding of an offence under Section 320 of the Code and quashing of the FIR on the basis of compromise are two different things. Though these offences are not compoundable under Section 320 of the Code, but the High Court in exercise of jurisdiction under Article 226 of the Constitution of India is duly authorized to quash an FIR or criminal proceedings by issuing a writ of Certiorari in this case. Moreover, these type of cases are not expected by the Hon'ble Supreme Court in the two judgments i.e. Gian Singh vs. State of Punjab (2012) 10 SCC 303 and State of Madhya Pradesh v. Laxmi Narayan (2019) 5 SCC 688. Accordingly the compounding application is allowed.

5. Keeping in view the totality of the fact, especially, the fact that all the petitioners and the complainant (respondent no. 3) have already settled their disputes and it will render exercise of criminal trial futile, may result in wastage of public money and time and it is a fit case, in which, the FIR should be quashed. Continuance of the criminal investigation would be an abuse of process of law.

6. The above offence is hereby allowed to be compounded, and therefore, the impugned FIR as mentioned above, is hereby quashed. Accordingly, the Writ Application is also allowed on the basis of compromise arrived at between the parties.

7. The petitioner, who is in jail, in connection with FIR No. 317 of 2022, dated 21.08.2022 for the offence punishable under Section 420 of the Indian Penal Code, Police Station Vikas Nagar, District Dehradun, shall be released forthwith, if not wanted in any other case.