
(2021) 09 UK CK 0219

In the Uttarakhand High Court

Case No : Writ Petition (Criminal) No. 1754 Of 2021

Ashok Singh Rautela

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 21-09-2021

Acts Referred:

Indian Penal Code, 1860 — Section 323, 354, 506

Citation : (2021) 09 UK CK 0219

Hon'ble Judges : Narayan Singh Dhanik, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

Narayan Singh Dhanik, J

1. Heard learned counsel for the parties.

2. Present criminal writ petition has been filed by the petitioner seeking the following reliefs:

"(i) Issue a writ or order or direction in the nature of certiorari to quash the impugned FIR dated 10.09.2021 lodged by respondent no.3 at PS Ramnagar, District Nainital, which has been registered as FIR No. 0534 of 2021 relating to offences punishable under Sections 354, 323, & 506 IPC, considering the fact that dispute between the petitioner and complainant/respondent no.3 has been settled amicably.

(ii) Issue a writ, order or direction in the nature of mandamus commanding respondent no.1 and 2 not to take any coercive measures against the petitioner in connection with impugned FIR dated 10.09.2021 lodged by respondent no.3 at PS Ramnagar, District Nainital, which has been registered as FIR No. 0534 of 2021 relating to offences punishable under Sections 354, 323, & 506 IPC.

(iii) Issue a writ, order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.

(iv) Award the cost of the petitions to the present petitioner."

3. Now, parties have filed a joint compounding application being IA No. 01 of 2021 stating therein that they have entered into compromise and amicably settled their disputes and now the complainant/respondent no.3 does not have any grievance with the petitioners. In support of compounding application, affidavits have been filed by the petitioner (in jail) as well as respondent no. 3 / complainant- Hema Joshi. Petitioner's brother-in-law, duly authorised by the petitioner, and respondent no. 3, duly identified by their respective Counsels, are present in person and they ratified the above facts too. Application bears the signature and respondent no. 3. They have further stated that now they have amicably settled their disputes. Therefore, learned Counsel for the parties have submitted that the impugned FIR be quashed in terms of the compromise.

4. Learned State Counsel raised formal objections to the compounding application stating that offence under Section 506 is a non-compoundable offence.

5. In view of the above, as also the authority of the Hon'ble Apex Court and also the proposition of law laid down by the Hon'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.

6. Considering the facts and circumstances of the case and the legal proposition propounded by the Hon'ble Apex Court, compounding application is allowed. Compromise arrived at between the parties is accepted.

7. Consequently, the impugned FIR dated 10.09.2021 numbered as FIR 0534 of 2021 at PS Ramnagar, District Nainital, for the offences under Sections 354, 323, & 506 IPC, are quashed in terms of the compromise arrived at between the parties.

8. Writ petition stands disposed of accordingly.