
(2022) 06 UK CK 0073

In the Uttarakhand High Court

Case No : Compromise Application No. (I.A. No. 1 Of 2022) In Writ Petition
(Crl.) No. 1181 Of 2022

Baljeet Singh

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 21-06-2022

Acts Referred:

Indian Penal Code, 1860 — Section 323, 354, 504, 506</l>

Citation : (2022) 06 UK CK 0073

Hon'ble Judges : Manoj K. Tiwari, J

Bench : Single Bench

Advocate : P.C. Petshali, Dinesh Chauhan, Kaushal Sah Jagati

Final Decision : Disposed Of/ Allowed

Judgement

Manoj K. Tiwari, J

1. Heard learned counsel for the parties.
2. By means of this writ petition, petitioner has sought quashing of F.I.R. No. 284 of 2022, under Sections 323, 354, 504 & 506 I.P.C., registered at Police Station Bazpur, District Udham Singh Nagar.
3. A compounding application, jointly signed by counsel for respondent no. 3 and counsel for the petitioner has been filed duly supported by affidavits of petitioner and respondent no. 3 (complainant).
4. Learned counsel for the petitioner 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. Today, petitioner and respondent no.3 appeared before this Court, who are

duly identified by their counsels.

7. Both the parties also made a statement that, in view of the settlement, they want to close the matter.

8. Learned State Counsel submits that offence under Section 354 I.P.C. is 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. 284 of 2022, under Sections 323, 354, 504 & 506 I.P.C., registered at Police Station Bazpur, District Udham Singh Nagar, is hereby quashed along with all the proceedings emanating therefrom.

12. Compounding application is, accordingly, disposed of.