
(2025) 05 UK CK 0702

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application U/s 482 No. 1753 Of 2022

Balwan Singh

APPELLANT

Vs

State Of Uttarakhand And Ors.

RESPONDENT

Date of Decision : 08-05-2025

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 307, 420

Citation : (2025) 05 UK CK 0702

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : B.S. Bhandari, Bhaskar Chandra Joshi, Sweta Dobhal, Deepak Joshi

Final Decision : Disposed Of

Judgement

Pankaj Purohit, J

1. Heard learned counsel for the parties.
2. Counter affidavit filed by the State is taken on record. Miscellaneous Application (IA/2/2024) made therefor, is allowed.
3. By means of the present C482 application, the applicant has challenged the entire proceedings of Sessions Trial No.91 of 2021 State Vs. Monu @ Mundi and Others, pending in the Court of learned Additional Sessions Judge, Haldwani, District Nainital, for the offences punishable under Sections 307, 120-B, 420 of IPC, on the basis of compromise arrived at between the parties outside the Court qua the applicant.
4. Along with the present C482 application, a joint compounding application (IA/1/2022) is filed duly supported by separate affidavits of applicant, respondent No.2-complainant and respondent No.3-injured.
5. In the compounding application, it has been stated by the parties that due to intervention of some well-wishers and common friends, they have entered into a compromise outside the Court with their own free will and without any undue

pressure, hence, now respondent Nos.2 & 3 have no grudge against the present applicant and they want to withdraw the present case registered against the applicant.

6. Applicant-Balwan Singh is present before this Court, while respondent No.2(complainant)-Smt. Mamta Devi and respondent No.3(injured)-Kastubanand Sharma are present through V.C. Both the parties are duly identified by their respective counsels. On interaction, respondent Nos.2 & 3 stated that they do not want to prosecute the above case against the applicant in view of the amicable settlement arrived between them. They fairly conceded that they have no objection if compounding application is allowed.

7. Learned State Counsel raised a preliminary objection to the effect that the offences sought to be compounded are non-compoundable. He further objected to the compounding application on the ground that the offences sought to be compounded are very heinous like 307 of IPC i.e. attempt to murder.

8. Learned counsel for the applicant relied upon a judgment rendered by Hon'ble Supreme Court in the case of Jaiveer Malik & Another Vs. The State of Delhi passed in Criminal Appeal Nos.864-866 of 2024, wherein, the proceedings arising out of FIR No.223 of 2016 were set aside, which too were registered under Section 307 of IPC, taking recourse of Yogendra Yadav case as noted below.

9. Hon'ble Supreme Court in the case of Yogendra Yadav and Others Vs. State of Jharkhand and Another reported in (2014) 9 SCC 653, in Para 4 it has been observed as under:

"4. Now, the question before this Court is whether this Court can compound the offences under Sections 326 and 307 of the IPC which are non-compoundable. Needless to say that offences which are non-compoundable cannot be compounded by the court. Courts draw the power of compounding offences from Section 320 of the Code. The said provision has to be strictly followed (Gian Singh v. State of Punjab) (2012) 10 SCC 303. However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under Section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable. In which cases the High Court can exercise its discretion to quash the proceedings will depend on facts and circumstances of each case. Offences which involve moral turpitude, grave offences like rape, murder etc. cannot be effaced by quashing the proceedings because that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such offences are quashed, it may send wrong signal to the society. However, when the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquility and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution.

Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace.”

10. The Hon’ble Supreme Court is of the view that ‘if Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquility and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace’.

11. Having considered the submissions made by learned counsel for the parties and the principle enunciated by the Hon’ble Supreme Court in the case of Yogendra Yadav (Supra), which is reiterated in Jaiveer Malik (Supra), this Court is of the opinion that since the parties have reached to the terms of the compromise, there would remain a remote or bleak possibility of conviction in this case. It can also safely be inferred that it would be unfair or contrary to the interest of justice to permit continuation of the criminal proceedings. Since the answer to the aforesaid points is in affirmative, this Court finds it a fit case to permit the parties to compound the matter.

12. Accordingly, compounding application (IA/1/ 2022) is allowed. The entire proceedings of Sessions Trial No.91 of 2021 State Vs. Monu @ Mundi and Others, pending in the Court of learned Additional Sessions Judge, Haldwani, District Nainital, for the offences punishable under Sections 307, 120-B, 420 of IPC, is hereby quashed qua the applicant.

13. Accordingly, the present C482 application is disposed of, in terms of the compromise.

14. Interim order, if any, stands vacated.