
(2021) 09 UK CK 0303

In the Uttarakhand High Court

Case No : Writ Petition (Criminal) No. 1816 Of 2021

Deshraj And Nine Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 29-09-2021

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 149, 323, 504, 506

Citation : (2021) 09 UK CK 0303

Hon'ble Judges : Narayan Singh Dhanik, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

Narayan Singh Dhanik, J

1. Present criminal writ petition has been filed by the petitioners seeking the following reliefs:

"(i) Issue a writ or order or direction in the nature of certiorari quashing the impugned FIR dated 29.06.2021 registered as FIR No. 0258 of 2021 for the alleged offences punishable under Sections 147,148,149,323,504,506 IPC, at Police Station Bazpur, District Udham Singh Nagar lodged by respondent no.3 against the petitioners (annexure-1) in view of the compromise entered between the parties.

(ii) Issue a writ, order or direction in the nature of mandamus directing the respondent no.1 & 2 not to arrest the petitioners and not to take any coercive measures against the petitioners in pursuance to the FIR lodged by the respondent no.3 on dated 29.06.2021 registered as FIR No. 0258 of 2021 for the alleged offences punishable under Sections 147,148,149,323,504,506 IPC, at Police Station Bazpur, District Udham Singh Nagar lodged by respondent no.3 against the petitioners (annexure-1) in view of the compromise entered between the parties.

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

(iv) Award the cost of the petition to the petitioners."

2. 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 Paramjeet Singh Handa & respondent no. 4 to 6 /injured persons (Satpal Singh, Jasvinder Kamboj and Rajeet Singh, do not have any grievance with the petitioners. In support of the compounding application, affidavits have been filed by the petitioner no. 1 Deshraj, complainant/Paramjeet Singh Handa as well as injured persons / respondent no. 4, 5 & 6. All the petitioners and respondent no. 3 to 6, duly identified by their respective counsels, are present personally in the Court and they ratified the above facts too. All the applicants as well as the respondent no. 3 to 6 are present in the Court. They have 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.

3. Learned State Counsel raised objection stating that offence under Sections 147, 148 & 149 IPC are compoundable offences with the permission of the Court.

4. 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.

5. 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.

6. Consequently, the FIR dated 29.06.2021 registered as FIR No. 0258 of 2021 for the offences punishable under Sections 147, 148, 149, 323, 504, 506 IPC, at Police Station Bazpur, District Udham Singh Nagar lodged by respondent no. 3 against the petitioners, is hereby quashed qua petitioners, in terms of the compromise arrived at between the parties.

7. Writ petition stands disposed of accordingly.