
(2021) 06 UK CK 0109

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 831 Of 2021

Dinesh Saini & Another

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 25-06-2021

Acts Referred:

Indian Penal Code, 1860 — Section 328, 354, 504, 506
Scheduled Castes And Scheduled Castes And Scheduled Tribes (Prevention Of
Atrocities) Act, 1989 (Amended 2015) — Section 3(1)

Citation : (2021) 06 UK CK 0109

Hon'ble Judges : N.S. Dhanik, J

Bench : Single Bench

Advocate : Abhishek Verma, Mamta Joshi, Mehboob Rahi

Final Decision : Disposed Of

Judgement

N.S. Dhanik, J

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

(i) Issue a writ, order or direction quashing the impugned FIR dated 16.05.2021, registered as FIR No. 0132 of 2021, under Sections 328, 354, 504 &

506 IPC and 3 (1) of the Scheduled Castes and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (amended 2015) at PS

Gadarpur, District Udham Singh Nagar lodged by respondent no. 3 as against the petitioner.

(ii) Issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 not to arrest the petitioner in pursuance of the FIR dated

16.05.2021 registered as FIR No. 0132 of 2021, under Sections 328, 354, 504 & 506 IPC and 3 (1) of the Scheduled Castes and Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act, 1989 (amended 2015) at PS Gadarpur, District Udham Singh Nagar.

2. Now, parties have filed the joint compounding application stating therein that they have entered into compromise and amicably settled their dispute

and now the respondent no. 3 does not have any grievance with the petitioners. In support of compounding application (IA No. 1/2021), affidavits

have been filed by the petitioners and respondent no.3.

3. On 28.05.2021, parties were present before this Court, through Video Conferencing, duly identified by their respective counsels. They admitted the settlement.

4. Compounding application bears the signatures/thumb impressions of the petitioners and respondent no. 3. It has been further stated by the parties

that now they have amicably settled their dispute. Therefore, learned Counsel for the parties have submitted that the impugned FIR be quashed in

terms of the compromise.

5. Learned State Counsel although opposed the compounding application on the ground that Section 328 IPC is non-compoundable but admit the fact

that during investigation Section 3 (1) of the Scheduled Caste and Scheduled Tribes Act (Prevention of Atrocities) Act, 1989 has been removed.

6. Learned counsel for the petitioners placed reliance upon the judgments of the Honâ??ble Apex Court in Gian Singh v. State of Punjab & Another,

(2012) 10 SCC 303 B.S. Joshi, (2003) 4 SCC 675; Nikhil Merchant, (2008) 9 SCC 677; and Manoj Sharma, (2008) 16 SCC.

7. Considering the facts and circumstances of the case and in view of the legal proposition propounded by the Honâ??ble Apex Court, the

compounding application is allowed. Compromise arrived at between the parties is accepted. Impugned FIR dated 16.05.2021, registered as FIR No.

0132 of 2021, under Sections 328, 354, 504 & 506 IPC and 3(1) of the Scheduled Castes and Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, 1989 (amended 2015) at PS Gadarpur, District Udham Singh Nagar is quashed in terms of the compromise qua the petitioners only.

8. Criminal writ petition stands disposed of accordingly.