

**(2021) 07 UK CK 0229**

**In the Uttarakhand High Court**

**Case No : Writ Petition (Criminal) No. 1306 Of 2021**

Gajanand Bansal And Another

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

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**Date of Decision : 30-07-2021**

**Acts Referred:**

Indian Penal Code, 1860 — Section 420

**Citation : (2021) 07 UK CK 0229**

**Hon'ble Judges : Narayan Singh Dhanik, J**

**Bench : Single Bench**

**Advocate : Vikas Kumar Guglani, J.S. Virk, K.S. Rawal, B.S. Koranga**

**Final Decision : Disposed Of**

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## **Judgement**

Narayan Singh Dhanik, J

1. Heard through Video Conferencing.
2. Present criminal writ petition has been filed by the petitioners seeking the following reliefs:  
  
â??(i) Issue a writ or order or direction in the nature of certiorari for quashing the FIR No. 46 of 2021, under Section 420 of IPC, Police Station Khatima, District Udham Singh Nagar.  
  
(ii) Issue suitable writ, order direction as this Honâ??ble Court may deem fit and proper in facts and circumstances of the case.â??
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 the compounding application, affidavits have been filed by the petitioner no. 1 as

well as respondent no. 3 / complainant- Smt. Anita Agarwal. Petitioners

and respondent no. 3, duly identified by their respective Counsels, are present through Video Conferencing and they ratified the above facts too.

Application bears the signatures of applicant no. 1 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.

5. In view of the above, as also the authority of the Honâ??ble Apex Court and also the proposition of law laid down by the Honâ??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 Honâ??ble Apex Court, compounding application

is allowed. Compromise arrived at between the parties is accepted.

7. Consequently,Â theÂ impugnedÂ FIRÂ dated 15.02.2021 registered as FIR No. 46 of 2021, under Section 420 of IPC, Police Station Khatima,

District Udham Singh Nagar, is quashed qua petitioners in terms of the compromise arrived at between the parties.

8. Writ petition stands disposed of accordingly.