
(2025) 12 UK CK 0055

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 2153 Of 2025

Gurbaaz Singh And Another

APPELLANT

Vs

State Of Uttarakhand And another

RESPONDENT

Date of Decision : 04-12-2025

Acts Referred:

Indian Penal Code, 1860 — Section 34, 307, 504, 506

Citation : (2025) 12 UK CK 0055

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : M.K. Ray, Sweta B. Dobhal, Harsh Taneja

Final Decision : Allowed

Judgement

Pankaj Purohit, J

1. Heard learned counsel for the parties.
2. By means of the present C528 application, the applicants have put to challenge the Charge Sheet dated 08.09.2022, cognizance/summoning order dated 12.10.2022 and entire proceedings of Sessions Trial No.08 of 2023 State Vs. Gurbaj Singh and another, under Sections 307, 504, 506, 34 IPC, pending before the learned Second Additional Sessions Judge, Rudradpur, District U.S. Nagar.
3. Along with the present C482 application, a joint compounding application (IA/1/2025) is filed duly supported by separate affidavits by applicants and respondent No.2.
4. In the compounding application, it has been stated by the parties that they have settled their dispute amicably on the intervention of residents of nearby places and respectable persons from both the sides and the respondent No.2 does not want to pursue with the case anymore.
5. Both the applicants as well as respondent No.2 (informant) are present before

this Court, who are duly identified by their respective counsels. On interaction, respondent No.2 categorically stated that they are the residents of same village, and the matter is now amicably settled by them with the intervention of respectable persons from both the sides, therefore, they want to end the matter. It is also stated by them that it is a 'no injury case'.

6. Learned State Counsel raised a preliminary objection to the effect that the offences sought to be compounded are non-compoundable. She 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.

7. To counter this argument, learned counsel for the applicants 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 was registered under Section 307 of IPC, taking recourse of Yogendra Yadav case as noted below.

8. 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."

9. The Hon'ble Supreme Court has propounded 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’.

10. 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.

11. Accordingly, compounding application (IA/1/ 2025) is allowed.

12. In view of the above, the present C528 application is allowed in terms of the compromise. The entire proceedings of Sessions Trial No.08 of 2023 State Vs. Gurbaj Singh and Others, under Sections 307, 504, 506, 34 IPC, pending before the learned Second Additional Sessions Judge, Rudrapur, District U.S. Nagar, are hereby quashed. Charge Sheet dated 08.09.2022 and cognizance/summoning order dated 12.10.2022 are also quashed as a consequence.

13. Pending application, if any, stands disposed of.