
(2021) 08 UK CK 0328

In the Uttarakhand High Court

Case No : Writ Petition (Criminal) No. 1499 Of 2021

Jameel And Seven Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 21-08-2021

Acts Referred:

Indian Penal Code, 1860 — Section 147, 452, 504
Scheduled Castes And the Scheduled Tribes (Prevention Of Atrocities) Act, 1989 —
Section 3(1)(X)

Citation : (2021) 08 UK CK 0328

Hon'ble Judges : Narayan Singh Dhanik, J

Bench : Single Bench

Advocate : Charanjeet Kaur, J.S. Virk, Rakesh Joshi, Geeta Arya

Final Decision : Disposed Of

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 to call for the record and to quash the impugned first information report dated

02.08.2021 registered in PS Nanakmatta, Udham Singh Nagar, as complaint FIR No. 0194 of 2021, under Sections 147, 452, 504 IPC and under

Section 3 (1) (X) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

(ii) Issue a writ, order or direction in the nature of mandamus commanding the respondent not to arrest the petitioners in pursuance of the aforesaid

dated 02.08.2021 registered in PS Nanakmatta, Udham Singh Nagar, as

complaint FIR No. 0194 of 2021, under Sections 147,452,504 IPC and under Section 3 (1) (X) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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

(iv) Award the cost of the petition to the petitioners.â??

3. Now, parties have filed a joint compounding application being IA No. 02 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 Jameel

as well as respondent no. 3 / complainant- Radhey Shyam. Petitioners and respondent no. 3, duly identified by their respective counsels, are present

personally in the Court and they ratified the above facts too. Application bears the signatures of applicants 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 stating that the offences punishable under SC/ST Act are non-

compoundable offences.

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 & An r*.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, the impugned FIR No. 0194 of 2021, dated 02.08.2021 under

Sections 147, 452, 504 IPC and under Section 3 (1) (X) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, is hereby quashed qua petitioners, in terms of the compromise arrived at between the parties.

8. Writ petition stands disposed of accordingly.