
(2021) 07 UK CK 0011

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 822 Of 2021

Jaypal Singh & Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 02-07-2021

Acts Referred:

Indian Penal Code, 1860 — Section 147, 323, 504

Citation : (2021) 07 UK CK 0011

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

Bench : Single Bench

Advocate : Rajat Mittal, Mamta Joshi, S.K. Shandilya

Final Decision : Disposed Of

Judgement

N.S. Dhanik, J

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

(i) Issue a writ, order or direction in the nature of certiorari quashing the impugned FIR dated 29.04.2021 being Case Crime No. 0179 of 2021, under

Sections 147, 323 & 504 IPC, lodged at PS Vikasnagar, District Dehradun.

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 nos. 3 & 4 do not have any grievance with the petitioners. In support of compounding application (IA No. 2/2021), affidavits

have been filed by the petitioners and respondent nos. 3 & 4.

3. Petitioner no. 1 (Jaypal Singh), petitioner no. 2 (Prashant Singh), petitioner no. 3 (Ritik Chaudhary), petitioner no. 4 (Pankaj Chauhan), petitioner no.

5 (Krishn Pal), respondent no. 3/complainant/injured (Ravi) and respondent no.

4/injured (Rinku) are present in the Court today through Video

Conferencing, duly identified by their respective counsel. They admitted the settlement.

4. Compounding application bears the signatures/thumb impressions of the petitioners and respondent nos. 3 & 4. 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 opposed the compounding application on the ground that Sections 147 IPC is non-compoundable.

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 29.04.2021 being Case Crime No.

0179 of 2021, under Sections 147, 323 & 504 IPC, lodged at PS Vikasnagar, District Dehradun is quashed in terms of the compromise qua the petitioners only.

8. Criminal writ petition stands disposed of accordingly.