

(2022) 07 UK CK 0051

In the Uttarakhand High Court

Case No : Compounding Application (IA No. 2 Of 2022) In Writ Petition
(Criminal) No. 1142 Of 2022

Jeet Singh And Others

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 08-07-2022

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 307, 506
Code Of Criminal Procedure, 1973 — Section 320

Citation : (2022) 07 UK CK 0051

Hon'ble Judges : Sanjaya Kumar Mishra, J

Bench : Single Bench

Advocate : M.K. Ray, Manisha Rana, Vinay Singh Chauhan

Final Decision : Disposed Of

Judgement

Sanjaya Kumar Mishra, J

Upon hearing the learned counsels, the Court made the following Order.

1. Heard M.K.Ray, learned counsel for the writ applicants, Ms. Manisha Chauhan, learned Assistant Government Advocate for the State and Mr. Vinay Singh Chauhan, learned counsel for the respondent no.3.

2. In this writ application, the petitioners prayed for the following reliefs:

" (i) Issue a writ, order or direction in the nature of certiorari quashing the impugned FIR dated 08.05.2022, being FIR No. 83 of 2022, under Sections 147,148,307,506 IPC, lodged at P.S. Gadarpur, District Udham Singh Nagar in terms of compromise between the parties.

(ii) Issue any other order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.

(iii) To allow the writ petition and award the cost of it in favour of the petitioners."

3. A compounding application being IA No. 2 of 2022 has been filed by the parties to quash the FIR dated 08.05.2022, as they have settled their disputes amicably. Both the parties are present in person and submitted identity proof, namely, Aadhar Card and the parties are duly identified by their respective counsel. This Court is satisfied with their identification.

4. It is submitted that Harman Singh@ Harmanjot Singh/petitioner no.1 is minor and his father-guardian Jeet Singh is present. Parties have amicably settled their disputes.

5. I perused the Adhar Cards of both the parties. Parties are duly identified by their respective counsel. I am satisfied that there is an amicable settlement between the parties.

6. Learned counsel for the State objects to the application for compromise on the ground that Sections 147 and 307 IPC are non compoundable offences. However, in view of the fact that compounding of an offence under Section 320 of the Code and quashing of the FIR on the basis of compromise are two different thing, the Writ Petition (Crl) should be allowed.

7. Learned Assistant Government Advocate Ms. Manisha Rana would rely upon the case State of Madhya Pradesh vs. Laxmi Narayan (2019) 5 SCC 688, especially para 27 of the judgement and would submit that the offence under Section 307 IPC is a heinous offence and the injured has sustained grievous injury inflicted by Gurvinder Singh i.e. petitioner no. 3 and the offence of Section 307 IPS is being investigated.

8. However, keeping in view the totality of the fact, especially, the fact that all the petitioners and the injured Pawandeep Singh and the informant belong to the same family and occurrence took place out of a small family dispute and also that the parties have already settled their disputes and it will render exercise of criminal trial futile, may result in wastage of public money and time and it is a fit case, in which, the FIR should be quashed. Continuance of the criminal investigation would be an abuse of process of law.

9. The above offences are hereby allowed to be compounded, and therefore, the impugned FIR as mentioned above is hereby quashed.

10. The compounding application as well as the writ application stands disposed of in terms of compromise arrived at between the parties.

11. Urgent certified copy of this order be granted on proper application.