
(2022) 06 UK CK 0074

In the Uttarakhand High Court

Case No : Compounding Application No. (I.A. No. 1 Of 2022) In Criminal Writ
Petition No. 1175 Of 2022

Kamal Singh

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 21-06-2022

Acts Referred:

Indian Penal Code, 1860 — Section 380, 411</l>

Citation : (2022) 06 UK CK 0074

Hon'ble Judges : Manoj K. Tiwari, J

Bench : Single Bench

Advocate : Lalit Sharma, K.S. Rawal, Mohd. Aazmeen

Final Decision : Disposed Of/ Allowed

Judgement

Manoj K. Tiwari, J

1. Heard learned counsel for the parties.
2. By means of this writ petition, petitioner has sought quashing of F.I.R. No. 155 of 2022, under Section 380 & 411 of I.P.C., registered at Police Station Lalkuan, District Nainital.
3. A compounding application, jointly signed by counsel for respondent no. 3 and counsel for the petitioner has been filed duly supported by affidavit of mother of petitioner and respondent no. 3 (complainant).
4. It is reported that petitioner is in jail. Mother of the petitioner (Mrs. Laxmi Devi) and respondent no. 3 (complainant), are present in the Court today, who are duly identified by their counsels.
5. Learned counsel for the petitioner submits that parties have entered into settlement, therefore, the matter needs to be compounded.
6. Learned counsel for respondent no. 3 submits that dispute has now been

amicably settled between the parties, therefore, his client wants to close the matter to ensure that peace is restored.

7. Mother of petitioner and respondent no. 3 present in Court also made a statement that in view of the settlement, they want to close the matter.

8. Learned State Counsel submits that offence under Section 380 I.P.C. is non-compoundable, however, in view of law laid down by Hon'ble Apex Court in case of Gian Singh Vs. State of Punjab, the same can be compounded with the leave of this Court. He further submits that all the offences are punishable for less than seven years.

9. Having regard to the nature of offence and also considering the broad guidelines issued by Hon'ble Apex Court in the case of Gian Singh Vs State of Punjab reported in (2012) 10 SCC 303 and Narinder Singh & others Vs State of Punjab & another reported in (2014) 6 SCC 466, request made on behalf of petitioner deserves to be acceded to.

10. Since the parties have entered into a compromise, therefore, possibility of the trial resulting into conviction of the accused is remote and bleak and, that being so, continuation of criminal proceedings would visit the accused with great oppression, prejudice and injustice. Rather, it would tantamount to abuse of process of law. Ends of justice would be met if criminal proceedings are put to an end, because this would allow the parties to translate their decision to live in peace in the reality. The only consideration for the compromise reached between the parties seems to be their desire to bury the hatchet for all times to come. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.

11. In view of above discussion, the writ petition is allowed. F.I.R. No. 155 of 2022, under Section 380 & 411 of I.P.C., registered at Police Station Lalkuan, District Nainital, is hereby quashed along with all the proceedings emanating therefrom.

12. Learned counsel for the petitioner informed the Court that petitioner is in jail. Since both the parties have entered into compromise, therefore, petitioner is acquitted of the charge of offence punishable under the aforesaid sections. He shall be released forthwith without executing personal bond and without furnishing any surety.

13. Compounding application is, accordingly, disposed of.