

(2025) 04 UK CK 0882

In the Uttarakhand High Court

Case No : Writ Petition Criminal No. 21 Of 2025

Krishna Singh And Another

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 28-04-2025

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 109, 351(2), 352
Indian Penal Code, 1860 — Section 307
Constitution Of India, 1950 — Article 226

Citation : (2025) 04 UK CK 0882

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Anoop Jaiswal, B.C. Joshi, R.K. Rawat

Final Decision : Allowed

Judgement

Pankaj Purohit, J

1. The present writ petition has been filed under Article 226 of the Constitution of India, whereby petitioners have put to challenge F.I.R. No.224 of 2024 dated 24.12.2024, under Sections 109, 351(2) and 352 of B.N.S. 2023, registered with Police Station Nanakmatta, District Udham Singh Nagar, on the ground that parties have entered into an amicable settlement and they want to put this matter to rest.

2. A joint compounding application has been moved on behalf of the parties seeking to compound offences under the aforesaid sections.

3. The ground for seeking compounding of offences is that parties have reached to the terms of compromise wherefor a settlement has also reached between them. It is thus, prayed that the present proceedings between the parties may be quashed in terms of the compromise arrived at between the parties.

4. Learned State Counsel raised a preliminary objection to the effect that the offences sought to be compounded are non-compoundable. He further objected

to the compounding application on the ground that the offences sought to be compounded are very heinous like 109 of B.N.S. Act i.e. attempt to murder.

5. Petitioners as well as respondent no.3 are present before this Court, duly identified by their respective counsel.

6. Learned counsel for the petitioners 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 FIRNo.223 of 2016 were set aside, which too were registered under Section 307 of IPC, taking recourse of Yogendra Yadav case as noted below.

7. 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."

8. The Hon'ble Supreme Court is of the view 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 lame and pursuing such a lame prosecution would be waste of time and energy that will also unsettle the compromise and obstruct restoration of peace'.

9. 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.

10. Compounding Application (IA No.2 of 2025) is allowed.

11. Accordingly, writ petition stands allowed. The impugned F.I.R. No.224 of 2024 dated 24.12.2024, under Sections 109, 351(2) and 352 of B.N.S. 2023, registered with Police Station Nanakmatta, District Udham Singh Nagar is hereby quashed. All subsequent proceedings, pursuant to impugned F.I.R., against the petitioners also stand quashed.