
(2021) 05 UK CK 0018

In the Uttarakhand High Court

Case No : Writ Petition (Criminal) No. 755 Of 2021

Kushal Ram Tamta

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 10-05-2021

Acts Referred:

Indian Penal Code, 1860 — Section 323, 504, 506

Citation : (2021) 05 UK CK 0018

Hon'ble Judges : Narayan Singh Dhanik, J

Bench : Single Bench

Advocate : Rajendra Singh Negi, K.S.Rawal, Rajendra Ara

Final Decision : Disposed Of

Judgement

Narayan Singh Dhanik, J

1. Present criminal writ petition has been filed by the petitioner seeking the following reliefs:

â??(i) Issue a writ, order or direction in the nature of certiorari quashing the impugned FIR No. 0013 dated 12.03.2021, PS Champawat, under

Sections 323,504 and 506 IPC and be to compound the alleged offence on the basis of compromise arrived between the parties.

(ii) To pass any other suitable writ order or direction which this Honâ??ble Court may deem firt and proper in the facts and circumstances of the present case. â??

2. Now, parties have filed a joint compounding application being IA No. 01 of 2021 stating therein that they have entered into compromise and

amicably settled their disputes and now the complainant/respondent no. 2 does not have any grievance with the petitioner. In support of compounding

application, affidavits have been filed by the petitioner and respondent no. 2 (injured). Petitioner and respondent nos. 2, duly identified by their

respective Counsels, are present through Video Conferencing before the Court today and they have ratified the above facts too. Application bears the

signatures of both the parties. 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.

3. Learned State Counsel raised formal objection of compounding the offences.

4. Considering the nature of injuries as well as 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 & Anr.* 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.

5. 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.

6. Consequently, impugned FIR dated 12.03.2021 registered as FIR No. 0013 of 2021, for the offence punishable under Section 323, 504 and 506 IPC,

registered with PS Champawat, District Champawat is quashed in terms of the compromise. .

7. Writ petition stands disposed of accordingly.