
(2019) 11 UK CK 0062

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application No. 2110 Of 2019

Lakhvinder Singh @ Lakkha Gyani & Another

APPELLANT

Vs

State Of Uttarakhand & Another

RESPONDENT

Date of Decision : 07-11-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 420, 467, 468, 471

Citation : (2019) 11 UK CK 0062

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

Bench : Single Bench

Advocate : Harshpal Sekhon, Pramod Tewari, Navjot Singh

Final Decision : Disposed Of

Judgement

N.S. Dhanik, J

1. This Criminal Miscellaneous Application, under Section 482 CrPC, along with compounding application, is preferred to quash the chargesheet dated 8.4.2018, summoning order dated 17.4.2018 and the entire proceedings of Criminal Case No. 129 of 2018, State v. Kuldeep Singh & Others, under Sections 420, 467, 468 and 471 IPC, pending in the Court of Judicial Magistrate, Jaspur, District Udham Singh Nagar.

In the compounding application, duly supported by the affidavits of applicant no. 2 and the complainant/respondent no. 2, it has been stated that parties have amicably settled their dispute and the complainant does not want to prosecute the accused. Accused applicants and the complainant, duly identified by their respective Counsel, had appeared in person before this Court on 25.9.2019 and ratified the contents of the compounding application.

Learned State Counsel opposed the compounding application and contended that public money is involved in the matter and the offences under Sections 467, 468 and 471 IPC are non-compoundable. State has also filed objections against the

compounding application.

Needless to say, non-compoundable offences cannot be compounded. But considering the proposition of law laid down by the Hon'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.

Considering the facts and circumstances of the case and the legal proposition propounded by the Hon'ble Apex Court, compounding application is allowed. Compromise arrived at between the parties is accepted.

Consequently, the chargesheet dated 8.4.2018, summoning order dated 17.4.2018 and the entire proceedings of Criminal Case No. 129 of 2018, *State v. Kuldeep Singh & Others*, under Sections 420, 467, 468 and 471 IPC, pending in the Court of Judicial Magistrate, Jaspur, District Udham Singh Nagar, are hereby quashed qua the accused applicants. Present criminal miscellaneous application stands disposed of accordingly.

Inform the Court concerned accordingly.