

(2025) 05 UK CK 0694

In the Uttarakhand High Court

Case No : Writ Petition Criminal No. 406 Of 2025

Mukul Rana Alias Mukul And Ors

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 07-05-2025

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 115(2), 126(2), 190, 191(2), 191(3), 351(2), 352

Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r), 3(1)(s)

Constitution Of India, 1950 — Article 226

Citation : (2025) 05 UK CK 0694

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Bilal Ahmed, B.C. Joshi, A.K. Beniwal

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 FIR No.0254 of 2025 dated 17.03.2025, under Sections 115(2), 126(2), 190, 191(2), 191(3), 351(2), 352 of B.N.S. 2023 and 3(1), 3(1)(r), 3(1)(s) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered with Police Station Manglaur, District Haridwar, on the ground that parties have entered into an amicable settlement and they want to put this matter to rest.

2. For the said purpose, a joint compounding application has also been moved by the parties supported by their respective affidavits.

3. In the compounding application, it has been narrated by the parties that they have settled their dispute and both do not want to proceed with the instant criminal proceedings.

4. Parties are present before this Court, duly identified by their respective Advocates. On interaction with both the parties, they stated that they have settled their disputes amicably and do not want to proceed with the aforesaid investigation pursuant to the impugned F.I.R.

5. Per contra, learned counsel for the State has formally objected to the compounding application in view of offences being non-compoundable in the present case.

6. So far as compounding of non-compoundable offence is concerned, the Apex Court has dealt with the consequence of a compromise in this regard in the case of B.S. Joshi and others vs. State of Haryana and another, reported in (2003) 4 SCC 675 and has held as below: -

“If for the purpose of securing the ends of justice, quashing of FIR becomes necessary, Section 320 Cr.P.C. would not be a bar to the exercise of power of quashing. It is, however, a different matter depending upon the facts and circumstances of each case whether to exercise or not such a power.”

7. This Court is convinced that once the parties have decided to settle their dispute amicably, it would not be appropriate to direct them to join the investigation, which would ultimately result into nothing, but acquittal and would amount to be a futile exercise.

8. Compounding Application (IA No.1 of 2025) is allowed.

9. Accordingly, writ petition stands allowed. The impugned FIR No.0254 of 2025 dated 17.03.2025, under Sections 115(2), 126(2), 190, 191(2), 191(3), 351(2), 352 of B.N.S. 2023 and 3(1), 3(1)(r), 3(1)(s) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered with Police Station Manglaur, District Haridwar is hereby quashed. All subsequent proceedings, pursuant to impugned F.I.R., against the petitioners also stand quashed.