
(2021) 05 UK CK 0041

In the Uttarakhand High Court

Case No : Writ Petition (Criminal) No. 782 Of 2021

Perminder Singh And Four Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 19-05-2021

Acts Referred:

Indian Penal Code, 1860 — Section 323, 452, 498, 504, 506

Citation : (2021) 05 UK CK 0041

Hon'ble Judges : Narayan Singh Dhanik, J

Bench : Single Bench

Advocate : Lalit Sharma, J.S.Virk, P.C. Petshali

Final Decision : Disposed Of

Judgement

Narayan Singh Dhanik, J

1. Heard through Video Conferencing.

2. Present criminal writ petition has been filed by the petitioners seeking the following reliefs:

â??(i) Issue a writ or order or direction in the nature of certiorari quashing the FIR dated 06.04.2021, registered as FIR No. 72 of 2021 at PS

Nanakmatta, District Udham Singh Nagar, Under Sections 452, 498, 323 & 504 IPC.

(ii) Issue a writ, order or direction which this Honâ??ble Court may deem fit and proper in the circumstances of the case.â??

3. Now, parties have filed a joint compounding application being IA No. 02 of 2021 stating therein that they have entered into compromise and

amicably settled their disputes and now the complainant/respondent no.3 does not have any grievance with the petitioners. In support of compounding

application, affidavits have been filed by the petitioner no. 1 as well as respondent no. 3 / complainant- Smt. Harpreet Kaur. Petitioners and

respondent no. 3, duly identified by their respective Counsels, are present through Video Conferencing and they ratified the above facts too.

Application bears the signature and respondent no. 3. 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.

4. Learned State Counsel raised formal objections to the compounding application stating that offences under Section 498 and 452 are non-compoundable offences.

5. In view of the above, as also the 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.

6. 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.

7. Consequently, the impugned FIR dated 6.04.2021 registered as FIR No. 72 of 2021, for the offences punishable under Sections 323, 498, 452, 506

of IPC, at Police Station Nanakmatta, District Udham Singh Nagar, is quashed in terms of the compromise arrived at between the parties.

8. Writ petition stands disposed of accordingly.