
(2025) 03 UK CK 0924

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application U/s 482 No. 2025 Of 2022

Pushkal Nagyan

APPELLANT

Vs

State Of Uttarakhand & Another

RESPONDENT

Date of Decision : 25-03-2025

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 320, 482
Indian Penal Code, 1860 — Section 420, 467, 468, 471

Citation : (2025) 03 UK CK 0924

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Amar Murti Shukla, B.C. Joshi, Sweta Badola Dobhal, B.M. Pingal

Final Decision : Allowed

Judgement

Pankaj Purohit, J

1. Heard learned Counsel for the parties.
2. Compounding application (IA/3/2023) has been moved on behalf of the parties seeking to compound the offences u/s 420, 467, 468, 471 IPC along with entire proceedings of Criminal Case No.706 of 2022, (Case Crime No.264 of 2022), State vs. Nikesh Panchpute & others, pending in the court of learned Additional Chief Judicial Magistrate, Roorkee, District Haridwar.
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.
5. Applicant (Pushkal Nagyan), respondent no.2 (Anup Kumar, appeared through V.C.) and respondent no.5-victim (Deepak Saini) are present in the Court being

duly identified by their respective counsel.

6. It is contended by learned counsel for the applicant that the co-accused, namely, Nikesh Panchpute, Alok Mahajan and K.S. Bisht after facing the trial have been acquitted by the learned trial court vide judgment and order dated 19.06.2024 passed in Criminal Case No.706 of 2022, State vs. Alok Mahajan & others.

7. It is also point to be noted that the Pushkal Nagyan (present applicant) was only allegedly introduced Deepak Saini to K.S. Bisht, thereafter, K.S. Bisht introduced Deepak Saini to Nikesh Panchpute and Alok Mahajan, who allegedly frauded him of Rs.70 lakh. The said fact could not have been proved before the trial court.

8. 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."

9. Thus, the High Court, in exercise of its inherent power can quash criminal proceedings or FIR or complaint, and Section 320 of Cr.P.C. does not limit or affect the powers under Section 482 of the Code of Criminal Procedure, 1973.

10. Since the parties have entered into compromise, therefore, there is no useful purpose for keeping this criminal case pending and it will be a futile exercise to ask the applicant to appear before the trial court as accused to face the trial when the victim-Deepak Saini has settled the matter amicably with the applicant and he does not want to prosecute the applicant.

11. In view of the facts and circumstances of the case, this Court is of the firm opinion that there would 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.

12. Accordingly, compounding application (IA/3/2023) is hereby allowed. The compromise arrived at between the parties is accepted. With the result, the entire proceedings of Criminal Case No.706 of 2022, (Case Crime No.264 of 2022), State vs. Nikesh Panchpute & others, u/s 420, 467, 468, 471 IPC, pending in the court of learned Additional Chief Judicial Magistrate, Roorkee, District Haridwar are hereby quashed qua the applicant.

13. Present criminal misc. application thus stands allowed. Other pending

applications, stand disposed of accordingly.