
(2022) 06 UK CK 0037

In the Uttarakhand High Court

Case No : Compounding Application No. 1 Of 2022 In Criminal Writ Petition No. 1089 Of 2022

Rajesh Kumar & Others

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 09-06-2022

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 323, 504

Citation : (2022) 06 UK CK 0037

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Maneesh Bisht, Kuldeep Singh Rawal, D.C.S. Rawat

Final Decision : Disposed Of/ Allowed

Judgement

Manoj Kumar Tiwari, J

1. Heard learned counsel for the parties.
2. By means of this writ petition, petitioners have sought quashing of FIR dated 14.02.2022, arising out of FIR No. 0066 of 2022, under Sections 147, 148, 323 & 504 I.P.C., registered at Police Station Bazpur, District Udham Singh Nagar.
3. A compounding application, jointly signed by counsel for petitioners and counsel for respondent nos. 3, 4 & 5 has been filed duly supported by affidavits of petitioners and respondent nos. 3, 4 & 5.
4. Learned counsel for the petitioners submits that parties have entered into settlement, therefore, the matter be compounded.
5. Parties are present before this Court, who are duly identified by their respective counsels. Petitioners as well as respondent nos. 3, 4 & 5 submitted that all differences between them have been resolved and they have decided to compound the matter.

6. Learned State counsel submitted that all offences mentioned in the FIR are compoundable, except offence punishable under Section 147 & 148 I.P.C., however, he submitted that those offences can also be compounded with the leave of Court.

7. Having regard to the nature of offence and also considering the broad guidelines issued by Hon'ble Apex Court in the case of Gian Singh Vs State of Punjab reported in (2012) 10 SCC 303; Narinder Singh & others Vs State of Punjab & another reported in (2014) 6 SCC 466 and State of Madhya Pradesh Vs. Laxmi Narayan reported in (2019) 5 SCC 688, request of the petitioners deserve to be acceded to.

8. Since the parties have entered into a compromise, therefore, possibility of the trial resulting into conviction of the accused is remote and bleak and, that being so, continuation of criminal proceedings would visit the accused with great oppression, prejudice and injustice. Rather, it would tantamount to abuse of process of law. Ends of justice would be met only if criminal proceedings are put to an end, because this would allow the parties to translate their decision to live in peace in the reality. The only consideration for the compromise reached between the parties seems to be their desire to bury the hatchet for all times to come. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.

9. In view of above discussion, the writ petition is allowed. FIR dated 14.02.2022, arising out of FIR No. 0066 of 2022, under Sections 147, 148, 323, 504 I.P.C., registered at Police Station Bazpur, District Udham Singh Nagar is hereby quashed along with all the proceedings emanating therefrom.

10. Compromise application is, accordingly, disposed of.