

(2023) 08 UK CK 0115

In the Uttarakhand High Court

Case No : Compounding Application (IA No. 1 Of 2023) In Writ Petition
(Criminal) No. 1175 Of 2023

Ranjeet Singh Alias Kukki

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 19-08-2023

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 420, 467, 468, 471

Citation : (2023) 08 UK CK 0115

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Hashpal Sekhon, Sangeeta Bhardwaj, Sonika Khulbe Mani Kumar

Final Decision : Disposed Of/ Allowed

Judgement

Manoj Kumar Tiwari, J

1. Heard learned counsel for the parties.
2. By means of this writ petition, petitioner has sought quashing of FIR No. 96 of 2023 dated 21.04.2023, under Sections 120B, 420, 467, 468, 471 I.P.C., registered at Police Station Gadarpur, District Udham Singh Nagar.
3. A compounding application, jointly signed by counsel for petitioner and counsel for respondent no. 4 has been filed, duly supported by affidavits of petitioner and complainant/respondent no. 4.
4. Petitioner and respondent no. 4 are present before this Court, who are duly identified by their respective counsels. Both petitioner and respondent no. 4 submitted that in terms of the settlement arrived at between them; they do not want to pursue the matter any further. They further submitted that all differences between them have been resolved and they have decided to compound the matter.
5. Learned counsel for the State opposed the compounding application.

6. 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 petitioner deserves to be acceded to.

7. 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.

8. In view of above discussion, writ petition is allowed. FIR No. 96 of 2023 dated 21.04.2023, under Sections 120B, 420, 467, 468, 471 I.P.C., registered at Police Station Gadarpur, District Udham Singh Nagar is hereby quashed along with all the proceedings emanating therefrom.

9. Compounding application is, accordingly, disposed of.