

(2025) 08 UK CK 0572

In the Uttarakhand High Court

Case No : Writ Petition Criminal No. 515 Of 2025

Shahran

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 11-08-2025

Acts Referred:

Bhartiya Nyay Sanhita, 2023 — Section 303(2), 317(2)
Constitution Of India, 1950 — Article 226

Citation : (2025) 08 UK CK 0572

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Mohd Safdar, S.C. Dumka, S.B. Dobhal, Faizan Ali

Final Decision : Allowed

Judgement

Pankaj Purohit, J

1. The present writ petition has been filed under Article 226 of the Constitution of India, whereby petitioner has put to challenge F.I.R. No.85 of 2025 dated 16.02.2025, under Sections 303(2) and 317(2) of B.N.S. 2023 registered at Police Station Kotwali Roorkee, District Haridwar, on the ground that parties have entered into an amicable settlement and they want to put this matter to rest.
2. A joint compounding application has been moved on behalf of the parties seeking to compound offences under the aforesaid sections.
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 submits that the offence under Section 317(2) of B.N.S. 2023 is non-compoundable.
5. Petitioner and respondent no.3 are present before this Court, through video

conferencing, who are duly identified by their respective counsel.

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. Further, the Apex Court has permitted compounding of such offences in the case of Nikhil Merchant v. CBI and another, (2008) 9 SCC 650.

8. Learned counsel for the parties also drew the attention of this Court towards the ruling of Gian Singh v. State of Punjab and another, (2013) 1 SCC (Cri) 160, in which Hon'ble Supreme Court observed as below:

"The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

9. Having considered the submissions made by learned counsel for the parties and looking to the fact that parties have reached to the terms of the compromise, there would remain 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.

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

11 Accordingly, writ petition stands allowed. The impugned F.I.R. No.85 of 2025 dated 16.02.2025, under Sections 303(2) and 317(2) of B.N.S. 2023 registered at Police Station Kotwali Roorkee, District Haridwar is hereby quashed. All subsequent proceedings, pursuant to impugned F.I.R., against the petitioner also stand quashed subject to payment of ₹ 20,000/-, in the High Court Bar Association Advocates Welfare Fund, Nainital, for the reason that the parties have wasted the valuable public time of the investigating agency and further to act as a deterrent against the petitioner so that he would not indulge in such criminal activities in future.