

(2024) 12 UK CK 0042

In the Uttarakhand High Court

Case No : Criminal Miscellaneous Application U/s 482 No. 238 Of 2024

Shamsher Singh Sandhu Alias Sonu

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 10-12-2024

Acts Referred:

Indian Penal Code, 1860 — Section 384, 506

Citation : (2024) 12 UK CK 0042

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Harshpal Sekhon, Shweta Badola Dobhal, Basant Singh

Final Decision : Allowed

Judgement

Pankaj Purohit, J

1. This instant C482 application has been filed by the applicants along with a compounding application for quashing the cognizance order dated 20.09.2023 as well as charge sheet dated 08.08.2023 and entire proceedings of Criminal Case No.2574 of 2023, under Sections 384 and 506 of IPC, State Vs. Shamsher Singh Sandhu @ Sonu, pending in the court of learned Judicial Magistrate First, Rudrapur, District Udham Singh Nagar arising out of F.I.R. No.110 of 2023, under Sections 384 and 506 of IPC registered at Police Station Gadarpur, District Udham Singh Nagar.

2. Today both the parties are present before this Court, who are duly identified by their respective Counsels.

3. Along with C482 application, a Compounding Application (IA No.1 of 2024) has been filed by the parties, duly supported by their respective affidavits.

4. While interacting with both the parties, it is admitted to them that they have entered into compromise and since they are relatives and want to live peacefully, therefore, they have settled their dispute.

5. It is submitted by learned counsel for the parties that in term of compromise entered into between the parties the cognizance order dated 20.09.2023 as well as charge sheet dated 08.08.2023 and entire proceedings of Criminal Case No.2574 of 2023, under Sections 384 and 506 of IPC, State Vs. Shamsher Singh Sandhu @ Sonu, pending in the court of learned Judicial Magistrate First, Rudrapur, District Udham Singh Nagar arising out of F.I.R. No.110 of 2023, under Sections 384 and 506 of IPC registered at Police Station Gadarpur, District Udham Singh Nagar shall be quashed.

6. Per contra, learned State counsel strongly opposed the compounding application stating therein that Section 384 IPC is non compoundable offence, therefore, compounding application may be rejected.

7. Having considered the rival submission of the parties and affidavit(s) filed in support of compounding application, this Court is of the view that when the parties do not want to pursue the matter and want to settle their dispute, it will be a futile exercise to tell them to face the trial which would ultimately result into acquittal of the applicant.

8. In this view of the matter, the C482 application is allowed in terms of the compromise entered into between the parties. Consequently, the cognizance order dated 20.09.2023 as well as charge sheet dated 08.08.2023 and entire proceedings of Criminal Case No.2574 of 2023, under Sections 384 and 506 of IPC, State Vs. Shamsher Singh Sandhu @ Sonu, pending in the court of learned Judicial Magistrate First, Rudrapur, District Udham Singh Nagar arising out of F.I.R. No.110 of 2023, under Sections 384 and 506 of IPC registered at Police Station Gadarpur, District Udham Singh Nagar are hereby quashed.