
(2021) 05 UK CK 0066

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 743 Of 2021

Vishal Kumar & Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 25-05-2021

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 149, 323, 427, 506

Citation : (2021) 05 UK CK 0066

Hon'ble Judges : N.S. Dhanik, J

Bench : Single Bench

Advocate : Ravi Bisht, A.K. Sah, Vikash Kashyap

Final Decision : Disposed Of

Judgement

N.S. Dhanik, J

1. The present criminal writ petition has been filed by the petitioners seeking the following reliefs:

(i) A writ, order or direction in the nature of certiorari to quash the impugned First Information Report dated 25.04.2021 lodged by respondent no. 3 at

PS Bajpur, District Udham Singh Nagar which has been registered as FIR No. 0158 of 2021, for the alleged offences punishable under Sections 147,

148, 149, 427 & 506 IPC and after investigation Section 323 IPC is added by I.O.

(ii) A writ, order or directions in the nature of mandamus commanding the respondent no. 2 not to take any coercive measures against petitioners

pursuant to impugned First Information Report dated 25.04.2021 lodged by respondent no. 3 at PS Bazpur, District Udham Singh Nagar for the alleged

offences punishable under Section 147, 148, 149, 427 & 506 IPC and after investigation Section 323 IPC is added by I.O.

2. Now, parties have filed the joint compounding application stating therein that they have entered into compromise and amicably settled their dispute

and now the respondent no. 3 & injured do not have any grievance with the petitioners. In support of compounding application (IA No. 4/2021)

affidavits have been filed by the petitioners and respondent no. 3 & injured.

3. On 19.05.2021, petitioners were present in the Court through video conferencing duly identified by their respective counsel. Complainant (Satish)

and injured (Rakesh) are present in the Court today through video conferencing, duly identified by their respect counsel. They admit the settlement.

4. Compounding application bears the signatures/thumb impressions of the petitioners; respondent no. 3 and injured. It has been further stated by the

parties that now they have amicably settled their dispute. Therefore, learned Counsel for the parties have submitted that the impugned FIR be quashed

in terms of the compromise.

5. Learned State Counsel opposed the compounding application on the ground that Section 149 IPC is non-compoundable.

6. Learned counsel for the petitioners placed reliance upon the judgments of the Honâ??ble Apex Court in Gian Singh v. State of Punjab & Another,

(2012) 10 SCC 303 B.S. Joshi, (2003) 4 SCC 675; Nikhil Merchant, (2008) 9 SCC 677; and Manoj Sharma, (2008) 16 SCC.

7. Considering the facts and circumstances of the case and in view of the legal proposition propounded by the Honâ??ble Apex Court, the

compounding application is allowed. Compromise arrived at between the parties is accepted. Impugned FIR dated 25.04.2021, registered as FIR No.

0158 of 2021, under Sections 147, 148, 323, 149, 427 & 506 IPC at P.S. Bazpur, District Udham Singh Nagar is quashed in terms of the compromise

qua the petitioners only.

8. Present Criminal Writ Petition is disposed of finally.