

(2025) 05 UK CK 0709

In the Uttarakhand High Court

Case No : Writ Petition Criminal No. 441 Of 2025

Vishwas Dutt Sharma And Anr

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 08-05-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 115(2), 118, 191(2), 309(4)
Constitution Of India, 1950 — Article 226

Citation : (2025) 05 UK CK 0709

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Prabha Naithani, S.C. Dumka, Prashant Khanna

Final Decision : Allowed

Judgement

Pankaj Purohit, J

1. The present writ petition has been filed under Article 226 of the Constitution of India, whereby petitioners have put to challenge F.I.R. No.0237 of 2024 dated 01.12.2024, under Sections 115(2), 118, 191(2) and 309(4) of B.N.S.S. 2023 registered at Police Station Prem Nagar, District Dehradun, 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. Petitioners as well as respondent nos.2 and 3 are present before this Court, who are duly identified by their respective counsel.
4. 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.

5. Per contra, learned counsel for the State has formally objected to the compounding application in view of offences being non-compoundable in the present case.

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. Having considered the submissions made by learned counsel for the parties, this Court is of the opinion that since the 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.

8. Compounding Application (IA No.2 of 2025) is allowed.

9. Accordingly, writ petition stands allowed. The impugned F.I.R. No.0237 of 2024 dated 01.12.2024, under Sections 115(2), 118, 191(2) and 309(4) of B.N.S.S. 2023 registered at Police Station Prem Nagar, District Dehradun is hereby quashed. All subsequent proceedings, pursuant to impugned F.I.R., against the petitioners also stand quashed subject to payment of ₹ 10,000/-, by each of the petitioners, in the Uttarakhand High Court Advocates Welfare Fund.