
(2022) 09 UK CK 0045

In the Uttarakhand High Court

Case No : Compounding Application (IA No. 2 Of 2022) In Writ Petition
(Criminal) No. 1708 Of 2022

Wasi And Others

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 08-09-2022

Acts Referred:

Indian Penal Code, 1860 — Section 307, 323, 504
Code Of Criminal Procedure, 1973 — Section 320
Constitution Of India, 1950 — Article 226

Citation : (2022) 09 UK CK 0045

Hon'ble Judges : Sanjaya Kumar Mishra, J

Bench : Single Bench

Advocate : Ghanshyam Joshi, Manisha Rana Singh, Suhail Ahmad Siddiqui

Final Decision : Allowed

Judgement

Sanjaya Kumar Mishra, J

1. This writ application has been filed for quashing of the FIR No. 332 of 2022, for the offences punishable under Sections 307, 323, 504 of the Indian Penal Code, Police Station Transit Camp Rudrapur, District Udham Singh Nagar.

2. A compounding application being IA No. 2 of 2022 has been filed by the parties for disposing of the case on the basis of compromise arrived at between the parties with prayer to quash the FIR dated 29.08.2022, as the parties have settled their disputes amicably. Both the parties are present in person and submitted their identity proofs, namely, Aadhar Cards and the parties are duly identified by their respective counsel. This Court is satisfied with their identifications. Learned counsel for the parties submit that the matter has been settled between the parties.

3. It is a case of no injury.

4. I have perused the respective Adhar Cards of all the parties. I am satisfied

that there is an amicable settlement between the parties.

5. However, learned counsel for the State objects to the application for compromise on the ground that Sections 307 IPC is non-compoundable offence. However, in view of the fact that compounding of an offence under Section 320 of the Code and quashing of the FIR on the basis of compromise are two different things. Though these offences are not compoundable under Section 320 of the Code, but the High Court in exercise of jurisdiction under Article 226 of the Constitution of India is duly authorized to quash an FIR or criminal proceedings by issuing a writ of Certiorari in this case. Moreover, these type of cases are not expected by the Hon'ble Supreme Court in the two judgments i.e. Gian Singh vs. State of Punjab (2012) 10 SCC 303 and State of Madhya Pradesh v. Laxmi Narayan (2019) 5 SCC 688. Accordingly the compounding application is allowed.

6. Keeping in view the totality of the fact, especially, the fact that all the petitioners and the complainant (respondent no. 3) have already settled their disputes and it will render exercise of criminal trial futile, may result in wastage of public money and time and it is a fit case, in which, the FIR should be quashed. Continuance of the criminal investigation would be an abuse of process of law.

7. The above offences are hereby allowed to be compounded, and therefore, the impugned FIR as mentioned above, is hereby quashed qua applicants. Accordingly, the Writ Application is also allowed on the basis of compromise arrived at between the parties.

8. The petitioners, who are in jail, in connection with FIR No. 332 of 2022, for the offences punishable under Sections 307, 323, 504 of the Indian Penal Code, Police Station Transit Camp Rudrapur, District Udham Singh Nagar, shall be released forthwith, if not wanted in any other case.