

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (Criminal) No.2062 of 2019

Satnam Chopra

.....Petitioner

Versus

State of Uttarakhand & Ors.

..... Respondents

Mr. Siddhartha Sah, Advocate for the petitioner
Mr. Lalit Miglani, Brief Holder for the State
Mr. Vikas Anand, Advocate for respondent no.3

Hon'ble Lok Pal Singh, J.

This writ petition has been filed for the following relief:

i) Issue a writ, order or direction in the nature of certiorari quashing the impugned FIR dated 10.09.2019 registered against the petitioner as FIR No.0475 of 2019 dated 10.09.2019 at Police Station Rudrapur, District Udham Singh Nagar under Sections 307, 506 of IPC.

2. Compounding application being IA No.2375 of 2020 has been filed by the parties jointly (petitioner and respondent nos.3) stating that the petitioner and respondent no.3 have settled their dispute amicably with the intervention of family members and have entered into a compromise. Along with the application, petitioner and respondent no.3 have filed their separate affidavits to affirm what is stated in the application. Parties are also present in the Court today, duly identified by their respective counsel. Before the Court also, petitioner as well as respondent no.3 have stated that they have settled their differences and have arrived into a compromise. Respondent no.3 also

stated that he does not wish to prosecute the petitioner any longer and prayed that the offences be compounded and the FIR be quashed.

3. State/respondents have filed its objections to the compounding application stating that the offence punishable under Section 307 of IPC is non-compoundable as per Section 320 of Cr.P.C.

4. I have heard learned counsel for the parties and perused the material available on record.

5. Insofar as Section 506 IPC is concerned, the same is a compoundable offence within the scheme of Section 320 of CrPC, whereas Section 307 IPC is non-compoundable. Hon'ble Supreme Court, in a catena of judgments, has permitted compounding of non-compoundable offence where the offence arises out of financial, mercantile, civil, partnership or such like transactions or is arising out of matrimony or the family disputes and where the wrong is basically private or personal in nature and not against the society at large. In such type of cases, continuation of criminal proceedings would be a futile exercise and the same can be quashed by the Court, as there would be almost no chance of conviction because of the compromise between the offender and victim. Present case is one such type of case which is arising out of family dispute.

6. Thus, for the reasons recorded above, compounding application is allowed. As a consequence thereof, FIR No.0475 of 2019 dated 10.09.2019

registered at Police Station Rudrapur, District Udham Singh Nagar, relating to offences punishable under Sections 307 and 506 of IPC, is hereby quashed.

7. Writ petition stands disposed of, as above.
8. Pending applications, if any, also stand disposed of.
9. No order as to costs.

(Lok Pal Singh, J.)
28.02.2020

Rajni