

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Criminal Writ Petition No. 993 of 2021**

Rahat Ali & others .....Petitioners

Versus

State of Uttarakhand and others .....Respondents

Mr. Mani Kumar, learned counsel for the petitioners.  
Mr. A.K. Sah, learned Deputy Advocate General the State.  
Mr. Kishore Rai, learned counsel for respondent nos. 3, 4 & 5.

Dated: 30<sup>th</sup> June, 2021

**Hon'ble N.S. Dhanik, J. (Oral)**

The present criminal writ petition has been filed by the petitioners seeking the following relief:

- (i) Issue a writ, order or direction in the nature of certiorari quashing the impugned FIR dated 01.05.2021 being FIR No. 116 of 2021, under Sections 147, 148, 149, 354, 504 & 506 IPC, lodged at PS Gadarpur, District Udham Singh Nagar.

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 nos. 3, 4 & 5 do not have any grievance with the petitioners. In support of compounding application (IA No. 2/2021), affidavits have been filed by the petitioners and respondent nos. 3, 4 & 5.

3. Petitioner no. 1 (Rahat Ali), petitioner no. 2 (Junaid), petitioner no. 3 (Nazakat), petitioner no. 4 (Sharafat), petitioner no. 5 (Firasat), petitioner no. 6 (Shakhawat), petitioner no. 7 (Shami), respondent no. 3/complainant (Taufeek), respondent no. 4/victim (Ale Nabi), respondent no. 5/victim (Rafeekan) are present in the Court today through Video

Conferencing, duly identified by their respective counsel. They admit the settlement.

4. Compounding application bears the signatures/thumb impressions of the petitioners and respondent nos. 3, 4 & 5. 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 Sections 147, 148, 149 & 354 IPC are non-compoundable.

6. Learned counsel for the petitioners placed reliance upon the judgments of the Hon'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 Hon'ble Apex Court, the compounding application is allowed. Compromise arrived at between the parties is accepted. Impugned FIR dated 01.05.2021 being FIR No. 116 of 2021, under Sections 147, 148, 149, 354, 504 & 506 IPC, lodged at PS Gadarpur, District Udham Singh Nagar is quashed in terms of the compromise qua the petitioners only.

8. Criminal writ petition stands disposed of accordingly.

**(N.S. Dhanik, J.)**  
30.06.2021

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