

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Compounding Application No. (I.A. No. 1 of 2022)

In

Criminal Writ Petition No.1216 of 2022

Deepak Jain.

.....Petitioner

Versus

State of Uttarakhand & others.

.....Respondents

Mr. Birendra Singh Adhikari, Advocate for the petitioner.

Mrs. Manisha Rana Singh, A.G.A. for the State of Uttarakhand.

Mr. Narendra Bali, Advocate for respondent no. 3.

Dated: 30.06.2022

Hon'ble Manoj K. Tiwari, J.

Heard learned counsel for the parties.

2. By means of this writ petition, petitioner has sought quashing of F.I.R. No. 0221 of 2022, under Section 354, 354 (ka), 354 (gha) & 506 of I.P.C., registered at Police Station Bahadarabad, District Haridwar.

3. A compounding application, jointly signed by counsel for respondent no. 3 and counsel for the petitioner has been filed duly supported by affidavit of wife of petitioner and respondent no. 3 (complainant).

4. It is reported that petitioner is in jail. Wife of the petitioner (Mrs. Shalu Jain) and respondent no. 3 (complainant), are present before this Court, who are duly identified by their counsels.

5. Learned counsel for the petitioner submits that parties have entered into settlement, therefore, the matter needs to be compounded.

6. Learned counsel for respondent no. 3 submits that dispute has now been amicably settled between the

parties, therefore, his client want to close the matter to ensure that peace is restored.

7. Wife of petitioner and respondent no. 3, who are present in Court, also made a statement that in view of the settlement, they want to close the matter.

8. Learned State Counsel submits that offence under Section 354, 354 (ka) & 354 (gha) I.P.C. is non-compoundable, however, in view of law laid down by Hon'ble Apex Court in case of *Gian Singh Vs. State of Punjab*, the same can be compounded with the leave of this Court.

9. Having regard to the nature of offence and also considering the broad guidelines issued by Hon'ble Apex Court in the case of **Gian Singh Vs State of Punjab** reported in **(2012) 10 SCC 303** and **Narinder Singh & others Vs State of Punjab & another** reported in **(2014) 6 SCC 466**, request made on behalf of petitioner deserves to be acceded to.

10. Since the parties have entered into a compromise, therefore, possibility of the trial resulting into conviction of the accused is remote and bleak and, that being so, continuation of criminal proceedings would visit the accused with great oppression, prejudice and injustice. Rather, it would tantamount to abuse of process of law. Ends of justice would be met if criminal proceedings are put to an end, because this would allow the parties to translate their decision to live in peace in the reality. The only consideration for the compromise reached between the parties seems to be their desire to bury the hatchet for all times to come. Resolution of a

dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.

11. In view of above discussion, the writ petition is allowed. F.I.R. No. 0221 of 2022, under Section 354, 354 (ka), 354 (gha) & 506 of I.P.C., registered at Police Station Bahadarabad, District Haridwar, is hereby quashed along with all the proceedings emanating therefrom.

12. Learned counsel for the petitioner informed the Court that petitioner is in jail. Since both the parties have entered into compromise, therefore, petitioner is acquitted of the charge of offence punishable under the aforesaid sections. He shall be released forthwith without executing personal bond and without furnishing any surety.

13. Compounding application is, accordingly, disposed of.

(Manoj K. Tiwari, J)

30.06.2022

Arpan