

IN THE HIGH COURT OF
UTTARAKHAND
AT NAINITAL

SRI JUSTICE RAKESH THAPLIYAL, J.

DECEMBER 21, 2023

C482 No. 1573 OF 2023

Deepak Singh alias Bithal

.....Applicant.

Versus

State of Uttarakhand and Another.

.....Respondents.

Counsel for the applicant:

Mr. Sachin Panwar, learned
counsel for the applicant.

Counsel for the State:

Mr. V.K. Gemini, learned
Dy.A.G. for the State.

Counsel for the respondents :

Mr. Anand Singh, learned
counsel for the respondents.

C482 No. 1577 OF 2023

Sameer Singh and Others

.....Applicants.

Versus

State of Uttarakhand and Another.

.....Respondents.

Counsel for the applicant:

Mr. Anand Singh, learned
counsel for the applicants.

Counsel for the State:

Mr. V.K. Gemini, learned
Dy.A.G. for the State.

Counsel for the respondents:

Mr. Sachin Panwar, learned
counsel for the applicant.

C482 No. 1581 OF 2023

Counsel for the applicant:

Mr. Sachin Panwar, learned
counsel for the applicant.

Counsel for the State:

Mr. V.K. Gemini, learned
Dy.A.G. for the State.

Counsel for the respondents :

Mr. Anand Singh, learned
counsel for the respondents.

Upon hearing the learned Counsel, the Court made the following Order: (per Sri Rakesh Thapliyal, J.)

1. In all these three C482 applications, all the applicants and the private respondents are present before this Court and each of the applications preferred under Section 482 of Cr.P.C. are supported with the compounding application with the affidavit of each of the applicants and the private respondents.

2. The date of the incident is 18.03.2022, and in respect of this incident, in fact, three FIRs have been lodged by the different complainants with different stories. The first FIR was lodged on 18.03.2022 at 8:50 PM bearing FIR No.0030 of 2022, Police Station Tanakpur, wherein, one Deepak Singh Alias Bitthal was implicated for the offences punishable under Sections 452, 354, 504 and 506 IPC, and, thereafter, after investigation, the chargesheet was filed against applicant Deepak Singh Alias Bitthal, who is also present in the Court for the offences punishable under Sections 452, 504 and 506 IPC.

3. So far as C482 Application No.1581 of 2023 is concerned, in this, the FIR was also lodged on 18.03.2022 in respect of the same incident at 9:45 PM, and this FIR was lodged by Suman Devi, whereby, five persons were implicated for the offences punishable under Sections 147, 148, 307, 323, 324, 506 IPC and Section 4/25 of the Arms Act, 1959. This FIR was registered as FIR No.0031 of 2022. After investigation, the chargesheet was filed and all the accused-applicants, against whom the FIR was lodged, were chargesheeted. In the chargesheet, the applicant-Deepak Singh Alias Bitthal was chargesheeted for the offences punishable under Section 307 IPC and the rest of the accused-applicants were chargesheeted for the offences punishable under Sections 147, 148, 323, 324 and 506 IPC.

4. Insofar as the C482 No.1577 of 2023 is concerned, in this case, the FIR was lodged on 19.03.2022, which is a day after the date of the incident, and this FIR was lodged at 2:30 PM. This FIR was lodged by Heera Devi, wherein, nine persons were implicated and after investigation, the chargesheet was filed against all the accused persons for the offences punishable under Sections 147, 148, 149, 307, 323, 504, 506 IPC. So far as the applicant Sameer Singh is concerned, he was chargesheeted for the offences punishable under Section 147, 148, 149, 504 and 506 IPC.

5. All the applicants of all these three C482 applications and the private respondents are present in the Court and each of them are identified by their respective counsel through their Aadhar Cards.

6. It is submitted by learned counsel for the applicants that, in fact, this incident happened on the festival of Holi and all these applicants and the respondents are related to each other.

7. Learned counsel for the applicants submits that the allegations, on the face of it, appear to be personal in nature, since all the persons are related to each other.

8. Per Contra, learned State Counsel submits that the offence punishable under Section 307 IPC is not compoundable.

9. In response to it, the counsel for the parties submits that since the allegation appears to be personal in nature, in view of the law laid down by the Hon'ble Supreme Court in the case of Gian Singh Vs. State of Punjab, (2012) 10 SCC 303, the offences which are not compoundable, can be compounded.

10. Learned State counsel, Mr. V.K. Gemini, submits that in respect of the offences punishable under the Arms Act, different trial is going on, and in respect of that proceeding, no compounding application has been moved.

11. It is also relevant to mention herein that in respect of the same incident, with different allegations, three FIRs have been lodged. Consequently, three different chargesheets were filed and after taking cognizance, different proceedings are being initiated in the same court.

12. In C482 No.1573 of 2023, the trial is pending in Criminal Case No.296 of 2022. In C482 No.1581 of 2023, the proceedings are going on in Sessions Trial No. 01 of 2023, and in C482 No.1577 of 2023, the trial is pending in Sessions Trial No. 13 of 2023.

13. The main ground in the compounding applications is that since all the applicants and the private respondents are resident of the same village and related to each other, and at the time of the festival Holi, this incident unfortunately happened, and now the parties have come up with their settlement, as they have amicably settled the dispute, and each of them wants that these proceedings should be closed.

14. The complainants of all these three C482 applications are also present in the Court, and they also submit that they do not want to pursue these proceedings, since all the applicants are resident of the same village, and are related to each other.

15. In view of this, all the compounding applications, preferred in all these applications under Section 482 Cr.P.C. deserve to be allowed.

16. Consequently, the proceedings of Criminal Case No.296 of 2023, arising out of Case Crime No. 30 of 2022, pending in the Court of Judicial Magistrate/Civil Judge, Tanakpur, District Champawat, the proceedings of Sessions Trial No. 13 of 2023, arising out of Case Crime No.0003 of 2022, State Vs. Sameer Singh and others, pending in the court of learned Sessions Judge, Champawat, and the proceedings of Sessions Trial No.01 of 2023, arising out of Case Crime No.0031 of 2022, State Vs. Deepak Singh Alias Bitthal and others, pending in the Court of learned Sessions Judge, Champawat, are quashed.

Reena Bisht

RAKESH THAPLIYAL, J.