



2024:UHC:10004

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc Application No. 878 of 2024

30th December, 2024

Shoaib Ahmed

....Applicant

Versus

State of Uttarakhand and another

....Respondents

Presence:-

Mr. Shubhash Chand Burman, Advocate for the applicant.

Ms. Shweta Badola Dobhal, B.H. for the State.

Mr. Chandra Shekhar, Advocate for respondent no.2.

Hon'ble Pankaj Purohit, J.

Present C528 application has been filed by the applicant for quashing the impugned charge sheet dated 02.03.2022 and cognizance/summoning order dated 14.11.2022, issued by learned Sessions Judge, District Dehradun along with entire proceedings of Session Trial No.176 of 2022, State Vs. Shoaib Ahmed, under Sections 376 and 506 of IPC being FIR No.65 of 2022, lodged at Police Station Rajpur, District Dehradun, pending before the court of learned FTC/Additional District and Sessions Judge, District Dehradun.

2. Today both the parties are present before this Court, who are duly identified by their respective Counsels.

3. Along with C528 application, a Compounding Application (IA No.1 of 2024) has been filed by the parties, duly supported by their respective affidavits.

4. It is submitted in the compounding application that the parties have settled their dispute amicably with the intervention of elderly and reputed persons and the informant-victim does not want to pursue with the criminal session trial pending against the applicant.

5. It is also stated in the compounding application that both the parties knew each other since 2018 and later on they fell in love and after meeting their parents they entered into matrimonial alliance on 18.10.2024.



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6. Both the parties are living as husband and wife and they have stated that they are married now and are living happily with peace.

7. It is also contended in the compromise application that due to misunderstanding the impugned FIR was lodged and the criminal trial proceeded against the applicant, therefore, they want to quash the entire proceedings of Sessions Trial No.176 of 2022, on the basis of compromise entered into between them.

8. Learned State counsel opposed the compounding application, mainly, on the ground that the offence under Section 376 is non compoundable.

9. Having heard learned counsel for the parties and on perusal of the application made by the applicant, supported by their respective affidavits, this Court is of the view that victim is 36 years of age while the applicant is 30 years of age and they want to lead a peaceful life and happy married life and have settled their dispute amicably and it would be a futile exercise to direct them to face the criminal proceedings.

10. In the opinion of this Court, in the background of the aforesaid fact, the trial would result into acquittal of the applicant in the given circumstances.

11. In this view of the matter, Compounding Application is allowed. Consequently, the impugned charge sheet dated 02.03.2022 and cognizance/summoning order dated 14.11.2022, issued by learned Sessions Judge, District Dehradun along with entire proceedings of Sessions Trial No.176 of 2022, State Vs. Shoaib Ahmed, under Sections 376 and 506 of IPC being FIR No.65 of 2022, lodged at Police Station Rajpur, District Dehradun, pending before the court of learned FTC/Additional District and Sessions Judge, District Dehradun are hereby quashed.

12. C528 application stands disposed of accordingly.

(Pankaj Purohit, J.)

30.12.2024

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