



HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc Application No. 529 of 2025

25 April, 2025

Gaurav Prasad and another Petitioners

Versus

State Of Uttarakhand and Another Respondents

Presence:-

Ms. Rajni Rangwal, proxy counsel for Mr. Dr. Manoj Gorkhela,
learned counsel for the petitioners.

Mr. Akshay Latwal, learned A.G.A. for the State.

Mr. Bhuvnesh Joshi , learned counsel for respondent no. 2.

Hon'ble Vivek Bharti Sharma, J.

Present petition is filed to quash the chargesheet, summoning order dated 20.12.2024 passed in Special Sessions Trial No. 454 of 2024 under Section 376 I.P.C. and Section 5(j)(ii)(i) read with Section 6 of Protection of Children from Sexual Offences Act, 2012 pending in the Court of Special Sessions Judge (POCSO), District Pithoragarh as well as the entire proceedings of the above case *qua* the petitioners, in view of the compromise arrived at between the parties.

2. Learned counsel for the petitioners/accused would submit that the parties have amicably settled the dispute and now the respondent no.2 does not want to prosecute the petitioners/accused further, therefore, a joint compounding application (*IA 1 of 2024*) has been filed by the parties to compound the



alleged offences as the petitioner/accused are none other than the family members and they were of young age at the time of the alleged incident, therefore, the entire proceedings of the criminal case be quashed as continuation of the criminal proceedings would be a futile exercise.

3. *Per contra*, learned State counsel would vehemently oppose the submission made by counsel for the petitioners/accused on the ground that the offences alleged against the petitioners/accused are serious; that, the offences are not private and have a serious impact upon the society, therefore, the criminal proceedings cannot be quashed on the basis of compromise.

In support of his submission, learned State counsel relied upon the judgment of *Daxaben Vs. The State of Gujarat and others* 2022 SCC OnLine SC 936, wherein the Hon'ble Apex Court has held that the criminal proceedings cannot be quashed in the category of serious offences, which are to be treated as crime against society and not against the individual alone, only for the reasons that a settlement has been arrived at between the parties, therefore, the petitioners/accused are not entitled for any relief by this Court.

4. To this, learned counsel for the petitioner at this stage seeks permission to withdraw the present petition and prays for direction to the trial court to decide the aforesaid case, as continuation of the trial is not only stigmatic to the petitioner/accused but



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even to the victim/prosecutrix and the family members are also suffering.

5. The said request is not opposed by learned counsel for the State as well as respondent no.2.

6. The Hon'ble Supreme Court in plethora of judgments has observed that that Constitutional Courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other Courts. However, in view of the special facts and circumstances of the present case, this Court is of the considered view that the trial court may be requested to decide this case expeditiously.

7. Accordingly, the present petition is disposed of with the request to the trial court to decide the Special Sessions Trial No. 454 of 2024 pending in the Court of Special Sessions Judge (POCSO), District Pithoragarh as expeditiously as possible by recording the statement of witnesses on basis of day to day hearing.

8. Copy of this order be sent to the court concerned for information/necessary compliance.

(Vivek Bharti Sharma, J.)

25.04.2025

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