



2025:UHC:4589

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc Application No. 754 of 2025

05 June, 2025

Mauseen and Others

--Petitioners

Versus

State of Uttarakhand and Others

--Respondents

Presence:-

Ms. Manju Chauhan, proxy counsel for Ms. Prabha Naithani, Advocate for the petitioners.

Mr. Akshay Latwal, learned Assistant Government Advocate for the State.

Mr. Gaurav Pawar, Advocate for respondent nos.2 to 4.

Hon'ble Vivek Bharti Sharma, J.

This petition is filed by the petitioners for quashing of the impugned Chalani Report dated 09.02.2025, cognizance order dated 20.02.2025 and entire proceedings of Case/Investigation No.32/2025 (FIR No. 202/2024) U/s 352, 74 of Bhartiya Nyaya Sanhita and Section 11/12 of Protection of Children from Sexual Offences Act, P.S. Pulbhatta, District Udham Singh Nagar pending before the Juvenile Justice Board, District Udham Singh Nagar, on the basis of the compromise arrived at between the parties.

2. The matter is related to Protection of Children from Sexual Offences Act (POCSO).

3. Facts of the case as stated in the petition are that respondent no.2 lodged FIR (*Annexure No.1*) on 25.12.2024 at Police Station Pulbhatta with the allegations that daughters of complainant and two other girls of the neighbourhood studies in Girls High School in the village; that, for the last 4-5 days the petitioners used to tease them and talk in vulgar manner; that, due to fear the girls were not going to school.



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4. After the investigation of the said FIR, the Investigating Officer submitted chalani report before Juvenile Justice Board Udham Singh Nagar as the petitioners are juvenile; that, on receiving the chalani report, learned Juvenile Justice Board vide order dated 20.02.2025 took cognizance on it and summoned the petitioners.

5. Learned counsel for the petitioners would submit that the FIR was lodged by the complainant due to confusion in misunderstanding the facts told by the victims who are minor girls; that, the parties have amicably settled the dispute as the parties are residents of the same village and locality; that, now on intervention of respectable persons of the society the parties have resolved their dispute amicably pursuant to which respondent nos.2 to 4 and the victims are no more interested to continue the present criminal proceeding, therefore, a joint compounding application (*IA 1 of 2025*) has been filed by the parties to compound the alleged offences with the prayer that the entire proceedings of the criminal case be quashed as continuation of the criminal proceedings would be a futile exercise.

6. *Per contra*, learned State counsel would vehemently oppose the submission made by counsel for the petitioners on the ground that the offences alleged against the petitioners are non-compoundable in view of Section 359 of B.N.S.S.; that, the allegations leveled against the petitioners are very serious; that, the offences are not private and have a serious impact upon the society. Moreover, the petitioners have not impleaded other victims in this petition.

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 are not entitled for any relief by this Court.

7. Perused the record in view of the submissions made by counsel for the parties.

8. The Hon'ble Supreme Court in plethora of judgments has held that though the power under Section 528 B.N.S.S. is wide, however, before exercising such power to quash criminal proceedings on the basis of compromise/settlement, the High Court has to be circumspect to the nature and gravity of the offence.

In the cases of 'Aparna Bhat & Others vs. State of Madhya Pradesh & Another' in SLP No. 2531 of 2021, Hon'ble Supreme Court has held as under:

"(e) The courts while adjudicating cases involving gender related crimes, should not suggest or entertain any notions (or encourage any steps) towards compromises between the prosecutrix and the accused to get married, suggest or mandate mediation between the accused and the survivor, or any form of compromise as it is beyond their powers and jurisdiction;"

9. In view of the above, this is not a fit case where the power u/s 528 of the B.N.S.S. should be exercised. Accordingly, the compounding application as well as C-528 petition is dismissed *in limine*.

(Vivek Bharti Sharma, J.)
05.06.2025