



2025:UHC:2900

**HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Criminal Misc Application No. 220 of 2024**

**21 April, 2025**

Aajad & Another

--Petitioners

**Versus**

State of Uttarakhand & Ors.

--Respondents

**Presence:-**

Mr. Susheel Kumar, Advocate holding brief of Mr. Gaurav Singh, Advocate for the petitioners

Mr. Deepak Bisht, Deputy A.G. for the State

**Hon'ble Vivek Bharti Sharma, J. (Oral)**

By means of present petition, petitioners seek to quash the impugned charge-sheet no.71/2019 dated 05.10.2019 and the cognizance/summoning order dated 22.10.2019 as well as the entire proceedings of Special Sessions Trial No.166/2019 “*State vs. Aajad and others*”, under Section 363, 366-A, 354 of IPC and Section 9(g)/10 of POCSO.

2. Learned counsel for the petitioners/accused would submit that the parties have settled the dispute amicably and have arrived at a compromise and consequently they have filed the present Compounding Application to compound the offences alleged against the petitioners and to quash the criminal proceedings.

3. Learned State Counsel would vehemently oppose the above submissions and would submit that the allegations levelled



against the petitioners are of very serious nature; that, the prosecutrix/victim was less than 16 years of age at the time of incident; that, statement of eight witnesses were recorded in the Trial Court till September, 2024 when the State filed its counter and it is most likely that the statements of all the witnesses have been recorded by now.

4. He would further submit that the statement of prosecutrix is Annexure-8 to the counter affidavit in which she has levelled serious allegations against the petitioners/accused. She has unequivocally stated that on the date of incident at 2:00 am in night when she got upto to the bathroom, two people were on a motorcycle near her house; that, as soon as she came back from bathroom, petitioner no.1/accused covered her mouth with a cloth and forcibly made her sit on the motorcycle; that, petitioner no.2/accused was driving the motorcycle. She further stated that the petitioners/accused took her away and molested her.

5. To bolster his submissions, learned State Counsel would place reliance upon a judgment of Hon'ble Apex Court in re "*Daxaben vs. The State of Gujarat and others*" 2022 SCC Online SC, 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 society and not against the individual alone, only for the reasons that a settlement has been arrived at between the parties.

6. A Coordinate Bench of this Court, vide order dated 13.02.2025, had directed the parties to remain present in person



but the parties are not present today.

7. Having considered the submissions of learned counsel for the parties, in the opinion of this Court, this is not a fit case to exercise the power u/s 528 of B.N.S.S. Accordingly, compounding application as well as present C528 petition is dismissed *in limine*.

(Vivek Bharti Sharma, J.)  
21.04.2025

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