



2026:UHC:498

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

10TH JANUARY, 2026

CRIMINAL MISCELLANEOUS APPLICATION NO.75 of 2026

Mohseen Applicant

Versus

State of Uttarakhand and Others Respondents

Counsel for the Applicant : Mr. Vikramaditya Buddhist Advocate.

Counsel for the Respondent No.1 : Mr. Pradeep Lohani, Brief Holder.

Counsel for the Respondent no.2- : Mr. Anoop Jaiswal, Advocate.
Informant and respondent no.3
victim

Hon'ble Alok Kumar Verma,J.

The present Application has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing the entire proceedings of Sessions Trial No.192 of 2023, "State vs. Mohseen", pending before the court of learned Additional Sessions Judge/FTSC, Rudrapur, District Udham Singh Nagar under Section 376 and Section 506 of the Indian Penal Code, 1860.

2. Heard Mr. Vikramaditya Buddhist, learned counsel for the applicant-accused, Mr. Pradeep Lohani,



learned Brief Holder for the respondent no.1 and Mr. Anoop Jaiswal, learned counsel for the respondent no.2-informant and the respondent no.3-victim.

3. Applicant is present in-person. He is identified by Mr. Vikramaditya Buddhist, Advocate. The respondent no.2, aged about 26 years and his wife, the respondent no.3, aged about 27 years, are present in-person. They are identified by Mr. Anoop Jaiswal, Advocate.

4. Applicants and the respondent nos.2 and 3 submitted that they are neighbors. They have resolved their all the differences. Now, they are living happily, peacefully and in harmony. They have filed a Compounding Application (IA No.01 of 2026) and affidavits with their free will and without any pressure.

5. The respondent nos.2 and 3 are requesting to quash the entire proceedings of the said Sessions Trial No.192 of 2023.

6. The said request of the respondent nos.2 and 3 has been opposed by the learned counsel appearing for the State on the ground that the offence under



Section 376 of the Indian Penal Code, 1860 is non-compoundable.

7. Though this Court would normally be hesitant to quash the proceedings under Section 376 of the Indian Penal Code, 1860, but, it is noticed that the applicant and the victim are living happily. In these circumstances, in case, the proceedings are allowed to continue, it would amount to denial of complete justice to the parties. Therefore, it is a case, in which the inherent jurisdiction of this Court should be exercised to do real and substantial justice.

8. Considering the totality of the matter, this Court is of the view that ends of justice would be met if the entire proceedings of Sessions Trial No.192 of 2023, “State vs. Mohseen”, pending before the court of learned Additional Sessions Judge/FTSC, Rudrapur, District Udham Singh Nagar, are quashed.

9. Resultantly, the present Application, filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is allowed and the entire proceedings of



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Sessions Trial No.192 of 2023, “State vs. Mohseen”,
pending before the court of learned Additional Sessions
Judge/FTSC, Rudrapur, District Udham Singh Nagar, are
hereby quashed.

ALOK KUMAR VERMA, J.

Dt:10.01.2026

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