



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>C482/248/2024</u> Faheem Kureshi and others --Applicants Versus State Of Uttarakhand and others --Respondents <u>Hon'ble Siddhartha Sah, J.</u> Mr. Paras Kumar, learned counsel for the applicants. 2. Mr. Rakesh Kumar Joshi, learned A.G.A. for the State. 3. Mr. Jasmeet Sahota, learned counsel for the respondent nos.2 & 3. 4. The applicants are present in Court. They are identified by Mr. Paras Kumar, Advocate. 5. Respondent no.2 and the respondent no.3 are also present in the Court. They are identified by Mr. Jasmeet Sahota, Advocate. 6. The applicants have filed this Criminal Misc. Application under Section 482 of the Cr.P.C. for the following reliefs :- <i>"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to quash and set aside the impugned charge sheet as well as impugned cognizance/summoning order dated 02-09-2021 passed by learned 1 Additional Civil Judge (C.D.) / A.C.J.M. Rudrapur, Udham Singh Nagar in criminal case no. 1167 of 2022 "State Vs. Faheem Kureshi & others" for the offences punishable under section 452, 323, 504, 506 of IPC, P.S. Kiccha, District Udham Singh Nagar, in terms of compromise arrived between the parties, failing which the applicants shall suffer irreparable loss and injury."</i> 7. A Compounding Application (IA No. 1 of 2024) has also been filed in the present case. By virtue of the same, the applicants have sought quashing of the summoning order and charge-sheet on the basis of an amicable settlement arrived at between the parties. An



			affidavit has been filed on behalf of respondent no. 2 in support of the compounding application, wherein he has stated that the applicants and respondent no. 2 have amicably settled their disputes arising out of Criminal Case No. 1167 of 2022, State v. Faheem Kureshi and Others for offences punishable under Sections 452, 323, 504 and 506 of the I.P.C. 8. A similar affidavit has been filed on behalf of the injured, Atul Kumar Singh, arrayed as respondent no. 3. In the affidavit in support of the compounding application, the injured/respondent no. 3 has stated that the applicants and the injured have amicably settled the dispute arising out of Criminal Case No. 1167 of 2022, State v. Faheem Kureshi and Others, for offences punishable under Sections 452, 323, 504 and 506 of the I.P.C., and the injured does not want to proceed further against the applicants in the said case. 10. The Court interacted with respondent no. 2, Mr. Nagesh Kumar Singh and respondent no.3/injured Mr. Atul Kumar Singh, present before the Court, duly identified by their counsel. The respondent no. 2 and respondent no. 3/injured have stated before the Court that the matter has been amicably settled and they do not wish to pursue the matter any further, and the compounding application may be allowed. 11. Affidavits have also been filed on behalf of applicant no. 1, Faheem Kureshi, applicant no. 2, Tasleem Kureshi, applicant no. 3, Saleem Kureshi and applicant no. 4, Aleem. In their affidavits, they too have stated that they have amicably settled their dispute with respondent no. 2 and respondent no. 3, and that the compounding application be allowed. 12. On interaction with applicants nos. 1, 2, 3 and 4, they have stated that the matter has been amicably settled and the compounding application may be allowed. 13. Learned State counsel submits that the offence under Section 452 is a non-compoundable offence. Learned State counsel submitted that although other offences are compoundable, however, offence under Section 452 of IPC would be a non-compoundable offence. 14. Learned counsel for the applicants submitted that
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			in the cases of “B.S. Joshi and others vs. State of Haryana and another”, (2003) 4 SCC 675, “Nikhil Merchant vs. CBI and another”, (2008) 9 SCC 650 and “Gian Singh vs. State of Punjab”, 2012 (10) SCC 303 as well as in Transfer Petition (Criminal) No. 115 of 2012 (Dimpey Gujral vs. Union Territory of Chandigarh) decided on 06.12.2012, the Hon’ble Supreme Court has permitted the compounding of non-compoundable offence and has held that in exercise of power under Section 482 of Cr.P.C., compounding can be done in non-compoundable offences. 15. Hence, the objection raised by the State counsel is not sustainable. 16. Since the matter has already been resolved between the parties, hence, it will be a futile exercise to let the matter go for trial against the applicant. 17. Considering the overall facts and circumstances of the case, the Compounding Application (IA No. 1 of 2024) deserves to be allowed. The Compounding Application is accordingly allowed. 18. As a consequence thereof, the impugned charge-sheet as well impugned cognizance / summoning order dated 02.09.2021, passed by 1st Additional Civil Judge (S.D.)/ A.C.J.M., Rudrapur, District Udham Singh Nagar in Criminal Case No. 1167 of 2022, State vs. Faheem Kureshi and others under Sections 452, 323, 504 and 506 of IPC, are hereby quashed. 19. The present criminal Misc. Application is disposed accordingly. 20. Pending application, if any, stands disposed of accordingly. (Siddhartha Sah, J.) 13.08.2026 Shiv/
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