

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			UKHC010029662020 <u>C482/350/2020</u> Ravinder Kumar Sharma --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Siddhartha Sah, J.</u> Mr. Mani Kumar, learned counsel for the applicants through V.C. 2. Mr. Vipul Panuli, learned AGA for the State. 3. Mr. Kishore Rai, learned counsel for respondent no.2. 4. By means of the Criminal Misc. Application, the applicants seek to quash the charge sheet dated 08.08.2019 and the summoning order dated 26.08.2019 passed by the learned Chief Judicial Magistrate, Rudrapur, Udham Singh Nagar, in Criminal Case No. 5532 of 2019, titled <i>State of Uttarakhand v. Rakesh Kumar Sharma and Others</i>, whereby the applicants were summoned to face trial for the offences punishable under Sections 420, 467, 468, 471, and 120-B of the IPC, in terms of the compromise between the parties. 5. A Compounding Application (IA No. 1 of 2026) has been filed by the applicants and respondent No. 2 on

			the premise that, during the pendency of the instant 482 petition, the parties have amicably settled their dispute. The present matter has been settled between the applicants and opposite party no. 2, and opposite party no. 2 is free to pursue the case against the other accused, namely, Om. 6. Today, Mr. Jagjeet Singh, respondent No. 2, is present in person. Upon interaction with respondent No. 2, he states that he has entered into a settlement with applicant nos. 1 and 2 and that he does not wish to pursue the matter any further against them. 7. On the last occasion, Mr. Ravinder Kumar Sharma and Mr. Rakesh Kumar Sharma, applicant Nos. 1 and 2, respectively, were present in person, and their presence was duly noted. 8. The compounding application has been filed with a prayer to quash the charge sheet and summoning order. Along with the compounding application, a joint compromise has also been placed on record, which is duly signed by the applicants and respondent No. 2. In the joint compromise as well as in the affidavit, the parties have stated that a settlement has been arrived at amicably between them. An affidavit has also been filed on behalf of respondent no. 2, Mr. Jagjeet Singh, in support of the compounding application, wherein he states that the parties have settled their dispute amicably and that he does not wish to prosecute the applicants any longer. 9. Learned AGA for the State would submit that
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		although the offence under Section 420 of the IPC can only be compounded with the permission of the Court, the offences under Sections 467, 468, 471, and 120-B of the IPC are non-compoundable. 10. The matter appears to be civil in nature, and the same has been settled between the parties. Hence, in view the judgment of the The Hon'ble Supreme Court in the cases of <i>B.S. Joshi and Others vs. State of Haryana and Another</i>, (2003) 4 SCC 675; <i>Nikhil Merchant vs. CBI and Another</i>, (2008) 9 SCC 650; and <i>Gian Singh vs. State of Punjab</i>, (2012) 10 SCC 303, as well as in Transfer Petition (Criminal) No. 115 of 2012 (<i>Dimpey Gujral vs. Union Territory of Chandigarh</i>), decided on 06.12.2012, the Hon'ble Supreme Court has permitted the compounding of non-compoundable offences and has held that, in the exercise of powers under Section 482 of the Cr.P.C., compounding can be permitted even in respect of non-compoundable offences, thus the objection raised by the learned AGA for the State is overruled. 11. In view of the overall facts and circumstances of the case, as also in view of the aforesaid judgments of the Hon'ble Supreme Court, this is a fit case for allowing the compounding application. Accordingly, the Compounding Application (IA No. 1 of 2026) is allowed. 12. As a consequence thereof, the charge sheet dated 08.08.2019 and the summoning order dated 26.08.2019 passed by the learned Chief Judicial Magistrate, Rudrapur, Udham Singh Nagar, in Criminal Case No.
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			5532 of 2019, titled <i>State of Uttarakhand v. Rakesh Kumar Sharma and Others</i>, whereby the applicants were summoned to face trial for the offences punishable under Sections 420, 467, 468, 471, and 120-B of the IPC, are hereby quashed qua the present applicants only. 13. The present criminal Misc. Application is disposed accordingly. 14. Pending application, if any, stands disposed of accordingly. (Siddhartha Sah, J.) 20.08.2026 BS
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