

**IN THE HIGH COURT OF UTTARAKHAND****AT NAINITAL****Compounding Application (IA No. 1 of 2021)****In****Criminal Misc Application No.403 of 2021****18th June, 2026**

Anuj Garg @ Chhote & Others

--Applicants

Versus

State of Uttarakhand & Ors.

--Respondents

Presence:-

Mr. Pawan Mishra, Advocate for the applicants.

Mr. Vikash Uniyal, learned Brief Holder for the State.

Ms. Rajni Rangwal, learned counsel holding brief of Mr. P. S. Uniyal, Advocate for the respondent nos.2 & 3.

Hon'ble Siddhartha Sah, J.

The present criminal misc. application is filed under Section 482 of Cr.P.C. by the applicants for quashing the charge sheet dated 16.09.2019, cognizance order dated 19.09.2019, charge order dated 13.01.2020 passed by learned 1st Additional District & Sessions Judge, Rishikesh, District Dehradun and the entire proceedings of Sessions Trial No.177 of 2019, '*State vs. Deepak @ Kalu & Others*' under Sections 308/34, 504/34 and 506/34 of IPC, Police Station Rishikesh, District Dehradun, pending in the court of learned 1st Additional District & Sessions Judge, Rishikesh, District Dehradun in the light of the compromise arrived at between the parties.



2. Perusal of the order-sheet dated 05.03.2021 reveals that the parties were present in person on that day and their signatures, applicants as well as the respondent nos.2 & 3 have been obtained on the order-sheet of the case file, which are duly identified by the respective counsel.

3. Alongwith the present criminal misc. application, Compounding Application (IA No.1 of 2021) has been filed on behalf of the applicants and respondent nos.2 & 3. Affidavits have been filed in support of the compounding application on behalf of the respondent no.2/complainant, Brijesh Kashyap and respondent no.3 Ajay Kashyap (injured/victim). In the affidavit of respondent no.3 he has categorically stated that the parties have settled the matter amicably outside the Court, in which it was decided between the parties that the respondent no.2 & 3 will withdraw the criminal case against the applicants and they are not interested to prosecute further the applicants in the criminal case; the complainant and injured person no longer want to keep the matter pending and also do not want to prosecute the applicants/accused persons. The affidavit in support of the compounding application by the complainant/respondent no.2 is also on similar lines. An affidavit has also been filed in support of the compounding application on behalf of the applicants through applicant



no.1.

Accordingly, the applicants and respondent nos.2 & 3 have sought allowing of the compounding application by quashing the entire proceedings of Criminal Case No.177 of 2019.

4. Learned State counsel would submit that since Section 308/34 of IPC is also attracted in the present case, and the said offence is non-compoundable, the compounding application cannot be allowed.

5. On this, learned counsel for the applicants would draw the attention of the Court to the judgment of the Coordinate Bench in the case of “Pan Singh Rana vs. State of Uttarakhand & Another” reported in 2018 (2) U.D.,680, wherein the compounding was permitted under Section 307 and 506 of IPC. He would further submit that Section 307 of IPC is graver offence than Section 308 of IPC, hence the compounding would be permissible under Section 308 of IPC in view of the abovementioned judgment.

6. Learned counsel for the applicants has also placed on record the copy of order dated 28.12.2023 passed by a Coordinate Bench of this Court in C-482 No.462 of 2021, “Malkeet Singh & Others vs. State of Uttarakhand & Another”, wherein the compounding application was permitted in criminal case pertaining to offence punishable



under Sections 323, 324, 308, 504, 506 and 427 of IPC.

He would further submit that since the Coordinate Bench of this Court has permitted compounding under Section 307 of IPC as well as Section 308 of IPC, hence, there is no impediment for allowing the compounding application.

Also, in view of the judgments of Hon'ble Supreme Court 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.

Since the parties have already settled the matter amicably outside the Court and the Hon'ble Supreme Court in the aforesaid cases has permitted compounding in non-compoundable cases as well as Coordinate Benches of this Court have also permitted the compounding in the matters involving Section 307 and 308 of IPC, hence the compounding application deserves to be allowed.

7. In such view of the matter, the objection raised on behalf of the learned State counsel, does not sustain. Since the parties have resolved the matter mutually and



have settled the dispute amicably outside the Court, hence, the Compounding Application (IA No. 1 of 2021) is hereby allowed.

8. As a consequence thereof, the charge sheet dated 16.09.2019, cognizance order dated 19.09.2019, and the entire proceedings of Sessions Trial No.177 of 2019, '*State vs. Deepak @ Kalu & Others*' under Sections 308/34, 504/34 and 506/34 of IPC, Police Station Rishikesh, District Dehradun, pending in the court of learned 1st Additional District & Sessions Judge, Rishikesh, District Dehradun, are hereby quashed.

9. The present criminal misc. application under Section 482 of IPC is, thus, disposed of in aforesaid terms.

10. Pending applications, if any, stand disposed of accordingly.

(Siddhartha Sah, J.)

18.06.2026

Akash