

**IN THE HIGH COURT OF UTTARAKHAND****AT NAINITAL****Compounding Application (IA No.812 of 2026)****In****Criminal Misc Application No.418 of 2020**

Saurabh Sharma

--Applicant

Versus

State of Uttarakhand & Ors.

--Respondents

Presence:-

Ms. Ananya Jain, learned counsel holding brief of Mr. Sandeep Kothari, Advocate for the applicant.

Mr. Vipul Panuli, learned A.G.A for the State.

Mr. Gaurav Singh, Advocate for the respondent no.2.

Hon'ble Siddhartha Sah, J.

The present criminal misc. application is filed under Section 482 of Cr.P.C. by the applicant seeking quashing of the impugned cognizance order dated 06.08.2019 passed by learned Chief Judicial Magistrate, Udham Singh Nagar in Criminal Case No.5269 of 2019, '*State vs. Saurabh Sharma and others*' under Sections 498-A read with 34 of I.P.C. and Section 3/4 of Dowry Prohibition Act and further to quash all the consequential proceedings pursuant to the cognizance order dated 06.08.2019.

2. During the pendency of the present Criminal Misc. Application, Compounding Application (IA No.812 of



2026) has been filed on behalf of the applicant and respondent no.2. An affidavit has been filed in support of the compounding application on behalf of respondent no. 2/complainant, Swati Saurabh Sharma. In the affidavit, respondent no.2 has categorically stated that the parties have entered into the compromise and settled their disputes and hence the deponent has settled the dispute with the husband and the family members.

3. It is further stated in the affidavit of respondent no.2/complainant that applicant and the deponent herein have preferred a suit for divorce under Section 27 of the Uttarakhand Common Civil Code, and presented themselves before the learned Principal Judge, Family Court, and pressed the first motion on 18.05.2026.

4. It is also stated in the affidavit of respondent no.2/complainant that the applicant has agreed to pay the deponent as sum of Rs.17,00,000/- (Rupees Seventeen Lacs Only) as permanent alimony and out of the aforesaid agreed amount sum of Rs.10,50,000/- (Rupees Ten Lacs Fifty Thousand Only) has already been received and rest of the amount, is liable to be paid at the time of pressing second motion.

5. It is also stated in the affidavit of respondent no.2/complainant that since the parties have entered into



the compromise have resolved their dispute, the deponent is not willing to further prosecute the applicant, hence, it is in the interest of justice that the charge-sheet the cognizance order in the proceedings pending before the learned Chief Judicial Magistrate may be quashed in terms of the compromise who arrived between the parties.

6. On interaction with respondent no. 2/complainant, who is appearing through video conferencing and is duly identified by her counsel, Mr. Gaurav Singh, Advocate, she stated that she wants to resolve the matter and that the parties have filed a petition for divorce by mutual consent before the Principal Judge, Family Court, Rudrapur, District Udham Singh Nagar. She further stated that she does not wish to prosecute applicant and that the compounding application may be allowed and the criminal proceedings may be quashed.

7. The Court also interacted with applicant, Saurabh Sharma, who is appearing in person before this Court and is duly identified by his counsel, Ms. Ananya Jain, learned counsel holding brief for Mr. Sandeep Kothari, Advocate. On such interaction, applicant also stated that the matter has been resolved and that the compounding application may be allowed and the criminal proceedings may be quashed.



8. Learned State counsel raised an objection that the offence is against society and Section 498-A of IPC is a non-compoundable offence, hence, the compounding application cannot be allowed.

9. However, 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. Also, the Coordinate Bench of this Hon'ble Court in the case of "Kedar Singh and three others vs. State of Uttarakhand and others" reported in 2014 SCC OnLine Utt 2275 has in identical circumstances permitted the compounding of offence punishable under Section 498-A of IPC.

10. Since the parties have already settled the matter amicably and the Hon'ble Supreme Court, in the aforesaid cases, has permitted compounding in such matters, the compounding application deserves to be allowed.

11. Since respondent no.2/complainant has consented to the compounding of the said offences, the



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Compounding Application (IA No. 812 of 2026) is hereby allowed.

12. As a consequence thereof, the impugned cognizance order dated 06.08.2019 passed by learned Chief Judicial Magistrate, Udham Singh Nagar in Criminal Case No.5269 of 2019, '*State vs. Saurabh Sharma and others*' under Sections 498-A read with 34 of I.P.C. and Section 3/4 of Dowry Prohibition Act and other consequential proceedings, if any, pursuant to the cognizance order dated 06.08.2019, are hereby quashed.

13. The present Criminal Misc. Application under Section 482 of Cr.P.C. is, thus, disposed of in the aforesaid terms.

(Siddhartha Sah, J.)
10.07.2026

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