

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			Compounding Application No. 01 of 2026 In C 528 No. 444 of 2026 <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. Alok Kumar, learned counsel for the applicant. 2. Mr. Himanshu Sain, learned AGA for the State. 3. Mr. Manish Lohani, learned counsel for the respondent no. 2 - complainant. 4. The instant petition has been preferred under Section 528 of BNSS, 2023 by one Sunil Kumar @ Sunil Patel, son of late Phool Singh, who is facing trial for the offence punishable under Section 306 IPC, arising out of FIR dated 21.01.2023 bearing FIR No. 67 of 2023. 5. Brief facts of the present case are that a first information report was lodged on 21.01.2023 bearing FIR No. 67 of 2023, Police Station - Kotwali Roorkee, District - Haridwar by one Dinesh Kumar, implicating present applicant for the offence punishable under Section 306 IPC. After thorough investigation charge sheet was filed on 28.02.2024 wherein the trial court took cognizance on 01.07.2025 and summoned the present applicant to face the trial. Now, the instant petition has been moved for quashing of the entire proceeding along with compounding application supported with the affidavit of the applicant and informant, father of the deceased with this contention that both the parties have not entered into compromise, as a result of which complainant does not want to prosecute the applicant in the pending criminal trial. 6. In paragraph 13 of the compounding application, it is contended that criminal proceedings initiated due to anger and misunderstanding and now, during the trial court proceedings, they have settled their dispute amicably and entered into compromise, and now, complainant is ready to withdraw the criminal proceedings, therefore, trial court proceedings be dropped, by allowing the compounding application. Counter affidavit has been filed by the I.O. who conducted the investigation, wherein it is contended that during investigation, video footage has been obtained from the deceased mobile

			wherein he disclosed the name of the present applicant, who was repeatedly harassing him and is responsible for him to commit suicide. It is further contended in the counter affidavit that FSL report of the said video footage also authenticate the same and on the basis of evidence, charge sheet has been filed. The statement of complainant and other witnesses have also been enclosed including recovery memo as well as FSL report. 7. No doubt parties have entered into compromise and settled their dispute but the fact remains, after thorough investigation, charge sheet has been filed and the offence in which, applicant has been summoned to face the trial is non compoundable. 8. Mr. Himanshu Sain, learned AGA for the State, seriously opposed the compounding application and submits that there are sufficient material against the applicant to proceed with the trial, therefore, on the basis of compromise in between the parties, offence cannot be compounded. 9. After hearing the learned counsel for the parties, I do not found any substance in the compounding application and the same is rejected. 10. So far as petition under Section C528 BNSS, is concerned, the same is based upon the averments made in the compounding application, as such, since the compounding application is already dismissed, therefore, present C 528 application is dismissed. The trial court is free to proceed with the trial, on it's own merit, without being influenced with observations, as above. (Rakesh Thapliyal, J.) 04.06.2026 SKS
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