

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			C 482 No.563 of 2024 <u>Hon'ble Siddhartha Sah, J.</u> Mr. Sanpreet Singh Ajmani, learned counsel for the applicants, Mr. Sunil Upadhyay, learned Brief Holder for the State/respondent nos.1 to 3 and Ms. Amitoz Kaur, learned counsel for the respondent no.4. 2. A vakalantnama of Ms. Amitoz Kaur, Advocate on behalf of respondent no.4 has been filed in the Court today itself, which is taken on record. 3. By means of the present C482 application, the applicants have sought quashing of the summoning order dated 26.07.2021 passed by learned Additional Chief Judicial Magistrate, Haldwani, Nainital and further to quash the charge-sheets dated 22.05.2021 and 29.05.2021 as well as quashing the entire proceedings of the Sessions Trial No.72 of 2021, State vs. Sunil Mishra and Others, pending before the court of learned Ist Additional District & Sessions Judge, Haldwani, Nainital. 4. During the pendency of the C482 application before this Court, the Compounding Application (No.1 of 2024) has been filed on behalf of the parties.

		5. Heard learned counsel for the parties on Compounding Application (CRMA No.1 of 2024). 6. Applicant no.1-Sunil Mishra and the applicant no.2 Kuldeep Singh are present in-person before this Court. They are identified by Mr. Sanpreet Singh Ajmani, Advocate. 7. The respondent no.4 –Jairam Chowdhary is also present in-person before this Court. He is identified by Ms. Amitoz Kaur, Advocate. 8. On interaction, the respondent no.4-complainant Jairam Chowdhary makes a statement before this Court that he is ready to compound the offence and does not wish to pursue the matter any further. 9. The compounding application is duly supported by the affidavit of the informant-respondent no.4. In the affidavit in support of the compounding application, the respondent no.4 states that the entire proceedings of Sessions Trial No.72 of 2021 along with summoning order as well as charge sheet deserve to be quashed, since the parties have entered into a compromise. The compounding application is also supported by the affidavits of the applicant nos.1 & 2. Thus, learned counsel for the applicants and learned counsel for the
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			respondent no.4 pray that the compounding application may be allowed and the entire proceedings of Sessions Trial No.72 of 2021 may also be quashed. 10. Mr. Sunil Upadhyay, learned Brief Holder states that the offences under Sections 397, 467, 468 & 471 of the IPC and Section 3 read with Section 25 of the Arms Act, 1959 are non-compoundable. 11. Since the parties have entered into compromise, no useful purpose would be served to continue with the present application under Section 482 Cr.P.C. Accordingly, the charge-sheet and summoning order are liable to be set aside and the proceedings of criminal case are liable to be quashed. 12. Hence, in view of the law laid down by Hon'ble the Apex Court in the case of Gian Singh vs. State of Punjab, 2012 (10) SCC 303, Dimpey Gujral vs. Union Territory, Chandigarh, (2013) 11 SCC 497, B.S. Joshi vs. State of Haryana, (2003) 4 SCC 675, Nikhil Merchant vs. CBI, (2008) 9 SCC 677, the compounding application deserves to be allowed. 13. Mr. Sanpreet Singh Ajmani, Advocate appearing for the applicants has also referred the judgment passed by this High Court in Writ Petition (Criminal) No.1575 of
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			2020 and Criminal Misc. Application No.1227 of 2014, wherein, the Court has permitted such compounding under different penal provisions under IPC and along with Section 25 of the Arms Act. 14. Though the offences are not compoundable, but in view of the facts and circumstances of the case and in view of the statement made by the respondent no.4-informant before the court, the compounding application deserves to be allowed. 15. The present Compounding Application (CRMA No.1 of 2024) is hereby allowed. 16. The offences are permitted to be compounded. Thus, the summoning order dated 26.07.2021, the charge-sheets dated 22.05.2021 & 29.05.2021 and the entire proceedings emanating thereof in Sessions Trial No.72 of 2021, State vs. Sunil Mishra & others, pending before the court of learned Ist Additional District & Sessions Judge, Haldwani, Nainital are hereby quashed qua the applicants. 17. The C482 application is, accordingly, disposed of. 18. All pending applications, if any, stand disposed of accordingly. (Siddhartha Sah, J.) 11.06.2026
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