

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			UKHC010069262018 <u>C482/1377/2018</u> Dilshad --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Siddhartha Sah, J.</u> Mr. Mohd. Safdar, learned counsel for the applicant. 2. Mr. V.S. Rawat, learned AGA for the State. 3. Mr. Kamaluddin, learned counsel for respondent no.2. 4. On the last occasion, i.e., 24th July, 2026, the applicant in person, respondent No. 2 in person, and the victim in person were present and were duly identified by their respective counsel. On an interaction with the applicant and respondent no.2 and the victim, Mrs. Naies, the victim had stated that she has married with co-accused Sahzad and she wants to lead a happy married life. Respondent no.2 had stated that the matter needs to be put to an end and decided amicably as it has been settled. Victim, therefore, had stated that she does not want to pursue the matter any further against the applicant. The applicant had also made a similar statement.

		5. Learned counsel for the applicant submitted that co-accused Sahzad and the victim were in love with each other and solemnized their love marriage on 22.11.2017. It was further submitted that, since the marriage, Sahzad and the victim have been living together as legally wedded husband and wife, and from the said wedlock, three children, namely, Inayat Parveen, Hammad, and Umar, were born on 05.09.2019, 22.07.2021, and 03.02.2023, respectively. It was also submitted that, initially, respondent No. 2, the brother of the victim, had not accepted the marriage of Sahzad and the victim; however, respondent No. 2 and the entire family have now accepted the marriage. As such, respondent No. 2 has agreed to the compromise and has no objection if this Hon'ble Court is pleased to quash the present proceedings. 6. Learned counsel for the State, Mr. V.S. Rawat, has submitted that the present case pertains to the POCSO Act and, therefore, involves a non-compoundable offence; hence, compounding cannot be permitted. 7. Today, while pressing the compounding application, learned counsel for the applicant has relied upon the order dated 23rd July, 2026, passed by a Co-ordinate Bench in the case of <i>Shoyab alias Abdul Rahman vs. State of Uttarakhand</i>, rendered in C-528 No. 1590 of 2026, wherein the Co-ordinate Bench allowed the compounding application in a case, inter alia, involving an offence under Sections 3(a)/4 of the POCSO Act. He submitted that, in that case also, the applicant and the victim were in love, and thereafter, the
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		victim got married to the applicant. Drawing parallels with the present case, he submitted that, in the present case also, the co-accused Sahzad and the victim are now married and, in fact, have been blessed with three children. Hence, no useful purpose would be served by continuing the proceedings of the criminal case. 8. In this regard, reference also needs to be made to the judgment of the Hon'ble Supreme Court in the case of <i>Mahesh Mukund Patel vs. State of U.P. and Others</i>, reported in 2025 SCC OnLine SC 614, and the relevant paragraphs 7 and 8 thereof are being quoted hereinunder: <i>“7. Now that the appellant and third respondent are happily married, no purpose will be served by continuing the prosecution as it will cause undue harassment to the appellant, the third respondent and their children.</i> <i>8. Coming to the impugned order, we find that the marriage certificate was placed on record before the High Court. In fact, no objection by the first informant is also recorded in the impugned order. Surprisingly, the High Court instead of entertaining the petition for quashing on the ground of settlement, has observed that the application for dropping criminal proceedings on the basis compromise may be moved before the Trial Court. The High Court completely lost sight of the fact that the Trial Court could not have recorded the settlement and in fact, this was a fit case for the High Court to have exercised its jurisdiction under Section 482 of the Cr. P.C. by quashing the proceedings. Unnecessarily, the parties have been forced to come to this Court.”</i> 9. In the case of <i>Mahesh Mukund Patel</i> (supra), the Hon'ble Supreme Court, while noting that the appellant therein and the third respondent (victim) were happily married, observed that no useful purpose would be served by continuing the prosecution, as it would cause undue harassment to the appellant, the third respondent,
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			and their children. In the present case also, the facts are almost similar to the case of <i>Mahesh Mukund Patel</i> (supra). 10. In the aforesaid judgment in the case of <i>Mahesh Mukund Patel</i> (supra), the Hon'ble Supreme Court has, inter alia, held that the High Court, instead of entertaining the petition for quashing on the ground of settlement, observed that an application for dropping the criminal proceedings on the basis of compromise be moved before the Trial Court. The High Court completely lost sight of the fact that the trial Court could not have recorded the statement and, in fact, this was a fit case for the High Court to have exercised its jurisdiction under Section 482 of the Cr.P.C. by quashing the proceedings. 11. 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. 12. In the present case, it is evident that co-accused Sahzad and the victim were in love with each other and solemnized their love marriage on 22.11.2017. Since the
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		marriage, co-accused Sahzad and the victim have been living together as legally wedded husband and wife, and from the said wedlock, they have been blessed with three children. Hence, at this stage, permitting the matter to proceed to trial would cause undue harassment to the victim, the children, as well as the applicant. The applicant is not the main accused. 13. The Hon'ble Supreme Court in the case of <i>Mahesh Mukund Patel vs. State of U.P. and Others</i>, reported in 2025 SCC OnLine SC 614, while noting that the appellant therein and the third respondent (victim) were happily married, observed that no useful purpose would be served by continuing the prosecution, as it would cause undue harassment to the appellant, the third respondent, and their children. In the present case also, the facts are almost similar of the case of <i>Mahesh Mukund Patel</i> (supra). 14. In view of the overall facts and circumstances of the case, as also 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. 3 of 2026) is allowed. 15. As a consequence thereof, the entire proceedings of Special Sessions Trial No. 21 of 2018 (Case Crime No. 385 of 2017) under Section 363, 366A, 120 B of IPC and 16/17 of Protection of Children from Sexual Offence Act PS Kotwali Manglaur District Haridwar pending before Special Judge POCSO/ FTC/ Additional District Judge Haridwar, qua the present applicant, are
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			hereby quashed. 16. The present criminal Misc. Application is disposed accordingly. 17. Pending application, if any, stands disposed of accordingly. (Siddhartha Sah, J.) 06.08.2026 BS
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