

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>C482/1175/2021</u> Rafiq Ahmad Alias Munna --Applicant Versus State Of Uttarakhand and Others --Respondents <u>Hon'ble Siddhartha Sah, J.</u> Mr. Rajat Mittal, learned counsel for the applicant. 2. Mr. Pankaj Joshi, learned A.G.A. for the State. 3. Mr. Vikas Bahuguna, learned counsel for the respondent no.2. 4. Mr. Rafiq Ahmad alias Munna, the applicant, is present through video conferencing duly identified by Mr. Rajat Mittal, Advocate. 5. Smt. Rajni Devi, the respondent no.2 is present through video conferencing duly identified by Mr. Vikash Bahuguna, Advocate. 6. Mr. Sonu Kumar, the victim, is present through video conferencing duly identified by Mr. Vikas Bahuguna, Advocate. 7. The applicant has filed this Criminal Misc. Application under Section 482 of the Cr.P.C. for the following reliefs :- <i>"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to set aside/quash the impugned chargesheet dated 26.07.2021 in FIR No. 121/2021, U/s 147, 323, 352, 504, 506 of IPC and Section 3(1)(n)(k) of the Schedule Caste & Schedule Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) as well as the cognizance and summoning order dated 03.08.2021 passed by Special Judge (the Schedule Castes & Schedule Tribes (Prevention of Atrocities) Act, 1989)/Vth Additional Session Judge, Dehradun</i>

		<i>in S.S.T. No. 3 of 2021, whereby the present applicant has been summoned to face the trial U/s 323, 352, 504, 506 of IPC and Section 3(1)(n) (/k) of the Schedule Caste & Schedule Tribes (Prevention of Atrocities) Act, 1989. It is further prayed that during pendency of present criminal misc application the further proceedings of S.S.T. No. 3 of 2021 Rafiq & others Vs State of Uttarakhand & another pending before Special Judge (the Schedule Caste & Schedule Tribes (Prevention of Atrocities) Act, 1989)/ Vth Additional Session Judge, Dehradun may kindly be stayed, otherwise applicant shall suffer irreparable loss and injury.”</i> 8. During the pendency of the present Criminal Misc. Application under Section 482 of the Cr.P.C., a Compounding Application (IA No.6 of 2026) has been filed duly supported by an affidavit on behalf of the victim Sonu Kumar S/o Shri Baburam, resident of 75 Sangam Vihar, Near Balliwala Chowk, P.S. Basant Vihar, Dehradun. In the said affidavit, the victim has stated that during the pendency of the present application, the parties have got their dispute settled amicably outside the Court and now ready to get the offences compounded. Affidavits have also been filed on similar lines on behalf of the respondent no.2 and the applicant in support of the Compounding Application. 9. On an interaction with the victim, Sonu Kumar, he reiterates that the parties have got settled their disputes amicably and he wishes to compound the offence against the applicant and does not wish to pursue the matter any further. 10. The Court also interacted with the respondent no.2 Smt. Rajni Devi / informant and she has also reiterated that the matter has got settled between the parties outside the Court and she is ready to get the offences compounded and does not want to pursue the matter any further. 11. The Court also interacted with the applicant Rafiq Ahmad @ Munna, who also states that the parties have buried their differences, as such, the Compounding Application may be allowed. 12. On a query made by the Court to the learned counsel for the applicant as to whether the offence under the provisions of Scheduled Caste and
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			Scheduled Tribe (Prevention of Atrocities) Act, 1989 can be compounded inter alia with other offences under the IPC, the learned counsel for the applicant placed reliance upon the judgment of Hon'ble Apex Court in the case of Ramawatar Vs State of Madhya Pradesh reported in (2022) 13 SCC 635 and particularly attention of the Court is drawn to para 17 thereof, which is extracted hereunder for ready reference. <i>“17. On the other hand, where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On similar lines, when considering a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the offence is covered under a ‘special statute’ would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 Cr.P.C.”</i> 13. Placing reliance upon the said judgment of the Apex Court, the learned counsel for the applicant would urge the Court to exercise its power under Section 482 of the Cr.P.C. for quashing of the proceedings on the basis of the compromise / settlement arrived at between the parties. 14. Learned A.G.A. objects that the offences are not compoundable, however, the dispute appears to be private in nature. It also needs to be mentioned that 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 and has held that in exercise of power under Section 482 of Cr.P.C.,
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			compounding can be done in non-compoundable offences. 15. Hence, the objection raised by the State counsel is not sustainable. 16. Since the matter has already been resolved between the parties, hence, it will be a futile exercise to let the matter go for trial against the applicant. 17. Considering the overall facts and circumstances of the case, the Compounding Application (IA No. 6 of 2026) deserves to be allowed. The Compounding Application is accordingly allowed. 18. As a consequence thereof, the entire proceedings of Special Sessions Trial No. 3 of 2021, Rafiq and others Vs State of Uttarakhand and another, pending before Special Judge (Schedule Castes & Schedule Tribes (Prevention of Atrocities) Act, 1989) / Vth Additional Sessions Judge, Dehradun as well as impugned charge-sheet dated 26.07.2021 and summoning / cognizance order dated 03.08.2021, qua the present applicant, are hereby quashed. 19. The present criminal Misc. Application is disposed accordingly. 20. Pending application, if any, stands disposed of accordingly. (Siddhartha Sah, J.) 09.07.2026 Shiv/
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