



| SL. No. | Date | Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures | COURT'S OR JUDGE'S ORDERS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|         |      |                                                                                                  | <p><b><u>C528/1465/2026</u></b></p> <p>Vipin Kumar And Ors<br/>--Applicant</p> <p style="text-align: center;"><b>Versus</b></p> <p>State Of Uttarakhand<br/>--Respondent</p> <p><b><u>Hon'ble Rakesh Thapliyal, J.</u></b></p> <ol style="list-style-type: none"> <li>1. Mr. Deepak Pethshali, learned counsel for the applicants.</li> <li>2. Mr. Sandeep Sharma, learned Deputy Advocate General with Mr. Chitrarath Kandpal, learned Brief Holder for the State.</li> <li>3. Mr. Sharad Kumar, learned counsel for the respondent nos. 2 and 3.</li> <li>4. The instant petition is preferred under Section 528 of BNSS, 2023 by the applicants - Vipin Kumar, son of Rampal Kashyap, Sahajad, son of Kamil, Parmod Jatt, son of Surendra Singh, Manoj Kumar, son of Deep Chand for quashing of the proceeding of Sessions Trial No. 121 of 2025 (State Vs. Vipin Kumar and others) pending in the court of Addl. Sessions Judge, Roorkee, Haridwar, arising out of FIR dated 30.01.2020 bearing FIR No. 0101 of 2020 wherein all the applicants have been summoned to face the trial for the offences punishable under Section 307, 506, 120 B IPC, Police Station - Kotwali Roorkee, District - Haridwar as well as for quashing of proceeding of Sessions Trial No. 06 of 2026 (State Vs. Gurvinder Rathi) pending in the court of Addl. Sessions Judge, Roorkee, Haridwar, arising out of FIR dated 30.01.2020 bearing FIR No. 0101 of 2020 wherein Gurvinder Rathi has been summoned to face the trial for the offences punishable under Section 307, 506, 120 B IPC, Police Station - Kotwali Roorkee, District - Haridwar.</li> </ol> |



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|  |  | <p>5. On the previous date, the State Counsel was directed to get injury report of the injured.</p> <p>6. All the applicants and respondent no. 2 – informant Sanjay Kumar and respondent no. 3 – injured Rampal, father of applicant no. 1, are present in the Court and they are duly identified by their respective counsel.</p> <p>7. Respondent no. 3 injured Rampal submits that he wants to close all these proceedings since his son Vipin Kumar is facing the trial. He further submits that he is not aware about other co-accused, who are Sahajad, son of Kamil, Parmod Jatt, son of Surendra Singh, Manoj Kumar, son of Deep Chand and Gurvinder Rathi, son of Rishipal Singh. When a specific question is asked from him whether he wants to close these proceedings, he submits that since his son is facing trial he has no option except to close the proceedings.</p> <p>8. As per the prosecution, the injured sustained two injuries of bullets on the most vital part of the body i.e. brain and in the back side of the lower abdomen. Now, the question is whether compounding application deserves to be allowed.</p> <p>9. At this juncture, it is relevant to mention here that FIR has been lodged against three persons namely Trilok Chand Sharma, Vishal Gupta and Rajat Sharma, however, first charge sheet has been filed against four persons namely Vipin Kumar, son of Rampal Kashyap, Sahajad, son of Kamil, Parmod Jatt, son of Surendra Singh, Manoj Kumar, son of Deep Chand and another supplementary charge sheet has been filed against Gurvinder Rathi, son of Rishipal Singh.</p> <p>10. Learned State Counsel, on instructions, apprised to this Court that two more accused persons, who were shooter namely Chotu @ Ramesh and Manjeet are still absconding and attempts are being made to trace out them.</p> <p>11. Learned counsel for the applicants submits that now the parties have settled their dispute amicably, since it is family dispute, therefore, proceedings may be closed.</p> <p>12. Now, the question is whether the dispute is family dispute. The submission as advanced by the learned counsel for the applicants that the</p> |
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|  |  | <p>dispute is family dispute is completely misleading, since prosecution case is that it is a case of serious offence, particularly, when injured sustained injuries on most vital part of body, which was danger to his life.</p> <p>13. After hearing the learned counsel for the parties and taking into consideration that on culmination of the investigation, charge sheet has been filed against the present applicants and two other co-accused persons are still absconding and the injuries are grievous and serious in nature, this Court is of the view that there is no scope of the compounding the offences. Accordingly, present C528 application as well as compounding application no. 1 of 2026 are dismissed being devoid of merits.</p> <p>14. Admittedly, respondent no. 3 – complainant injured is a senior citizen, therefore, he deserves to get protection of his life and property. There are certain privileges under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and rules framed thereunder, therefore, the District Magistrate is directed to ensure protection of the life and property of the respondent no. 3 – complainant – injured.</p> <p>15. Let a copy of this order be sent to the District Magistrate concerned for compliance.</p> <p>16. No order as to costs.</p> <p style="text-align: right;"><b>(Rakesh Thapliyal, J.)</b><br/>15.07.2026</p> <p>SKS</p> |
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