

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>UKHC010122242026</u> <u>C528/1508/2026</u> Jaswinder Singh Alias Babbu Cheema --Applicant Versus State Of Uttarakhand --Respondent <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. S.K. Mandal, learned counsel for the applicant. 2. Mr. Himanshu Sain, learned A.G.A. for the State. 3. Mr. Deepak Singh Bisht, learned counsel for the respondent/complainant. 4. The instant petition is preferred by the present applicant 'Jaswinder Singh alias Babbu Cheema' S/o Tirlok Singh under section 528 of BNSS, 2023, for quashing the proceeding of Session Trial No. 08 of 2025 'State vs. Jasvinder Singh alias Babbu Cheema' arising out of Case Crime No. 309 of 2023, wherein, the present applicant is facing the trial for the offences punishable under section 307 and 120B of IPC, P.S. Khatima, District Udham Singh Nagar. 5. The instant petition is filed along with the compounding application with the affidavit of present applicant and the respondent no. 2 and it is stated in paragraph-2 that the applicant and the respondent/complainant belongs to the same community and are resident of Majhola District Udham Singh Nagar and both of them are maintaining social harmony and peace and the parties have come with the amicable settlement outside the court in the presence of respective persons of the society and they have settled the dispute and in view of such settlement they want that this proceeding be closed. 6. In paragraph-3 an attempt has made to touch the merit of the case also by saying that there is no allegation against the applicant in the FIR and the

			informant has not sustained any gunshot injury and the injury report reveals of some contusions and abrasions, which are not grievous in nature, therefore no case is made out under section 307 and 120B of IPC against the applicant, therefore, the offences be compounded. 7. Both the applicant and the respondent/ complainant are present in court and are identified by their respective counsel. This court interact with both of them as well as the informant in absence of the applicant and also gone through with the averment as made in the compounding application and the FIR. The statement as given in paragraph-3 of the compounding application, wherein, to some extent the merit of the case has been touched cannot be looked into in the compounding application since the same is completely the subject matter of the trial. So far as the statement as given in the remaining paragraphs are concerned that may be a factor for deciding this compounding application. 8. The record reveals that in this particular FIR earlier the charge-sheet was filed, wherein, two persons were chargesheeted and subsequently on further investigation a supplementary charge-sheet was filed, wherein, the present applicant has been chargesheeted, in what the Trial Court took cognizance on 06.03.2025 and the applicant has been summoned. 9. It is submitted by the learned counsel for the applicant that since both the parties belongs to the same community residing in the same locality and their relations are very cordial and there is no any terror from the present applicant in the society. 10. On the other side, Mr. Sain, learned A.G.A., placed before this court the past history of the present applicant and submits that since applicant has a criminal record and indulge in criminal activity, therefore, compounding application should be rejected. It reveals from past record the present applicant is indulged in criminal activity since 2013 and most of the cases relates to the serious penal provisions, wherein, the trial is going on. 11. Now, the question is whether a person who is indulged in criminal activity since 2013 and have a long criminal history deserves any sympathy in order to close. This court is of the view that when a person is indulged in criminal activity since 2013 itself reveals that there is a terror in the society in the name of the
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		present applicant and it shows that only the motive of the present applicant is to create an atmosphere of terror in the locality, therefore, on this account alone the proceeding should not be dropped merely on the ground that the applicant settled the dispute with the informant particularly when after thorough investigation the Investigating Officer after collecting credible evidence submit the charge-sheet and if the applicant is innocent he has to face the trial and the Trial Court will examine as per law but at this juncture when after thorough investigation the charge-sheet was filed such a proceeding on compounding application. 12. Mr. Sain submits that since the present applicant have a long criminal history and the charge-sheet and the supplementary charge-sheet has been filed and both the trials has been clubbed, therefore, in such an eventuality, taking into consideration that the applicant is indulged in criminal activity since 2013 the Trial Court may also be directed to expedite the trial as early as possible. 13. Be that as it may, though the petition has not been filed for expediting the trial but purely in the interest of justice when this petition is filed under section 528 of BNSS, 2023, this court has inherent power to direct the Trial Court to expedite the trial and the Trial Court is free to proceed with the trial without being influenced with the observations as made above. 14. In such view of the matter, the instant petition as well as the compounding application are rejected and the Trial Court is directed to expedite the trial as expeditiously as possible preferably within six months from the date of receipt of this order without being influenced with the observation as above. (Rakesh Thapliyal, J.) 22.07.2026 PR
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