



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPCRL/1423/2026</u> Intiyaz Shah --Petitioner Versus State Of Uttarakhand --Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Shubham Pandey, Advocate for the petitioners. Mr. N.S. Kanyal and Mr. Pramod Tiwari, A.G.A. for the State of Uttarakhand. Mr. Shariq Khurshid, Advocate, holding brief of Ms. Geetanjali Dhama, Advocate for respondent no.3. 2. By means of the present writ petition, the petitioners have sought quashing of the F.I.R./Case Crime No.45 of 2026, under Sections 106(1) and 281 of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Ramnagar, District Nainital, and all consequential proceedings arising therefrom. 3. As per the allegations contained in the F.I.R., the driver of a Tata Ace vehicle, which was being used for carrying debris and waste from the resorts, was driving the vehicle in a rash and negligent manner and hit the niece of the complainant. As a result of the said accident, she sustained grievous injuries and, upon being taken to the hospital, was declared dead by the attending doctor. 4. A joint compounding application has been filed on behalf of the petitioners and respondent no.3, duly supported by the affidavits of the petitioners and respondent no.3. It has been brought to the notice of the Court that respondent no.3 was not present



			at the spot at the time of the incident and that the F.I.R. came to be lodged under a bona fide misunderstanding. It is further stated that, subsequently, the parties have amicably resolved their differences and have decided to live peacefully. 5. Learned counsel for the petitioners submits that the parties have entered into an amicable settlement and, in view thereof, no useful purpose would be served by permitting the criminal proceedings to continue. It is, therefore, submitted that the F.I.R. and all consequential proceedings may be quashed. 6. Learned counsel appearing for respondent no.3 submits that the dispute has been amicably settled between the parties and respondent no.3 has no objection if the criminal proceedings are brought to an end, as the parties desire to maintain peace and harmony. 7. Learned State Counsel has opposed the application and submits that the offence punishable under Section 106(1) of the Bharatiya Nyaya Sanhita, 2023 is not compoundable in terms of the statutory provisions and, therefore, the proceedings cannot be brought to an end merely on the basis of compromise. 8. Petitioners as well as respondent no.3 are present before the Court and have been duly identified by their respective learned counsel. On being questioned by the Court, they have also stated that the dispute has been amicably resolved and that, in view of the settlement, respondent no.3 do not wish to pursue the matter any further. 9. This Court has considered the submissions advanced by learned counsel for the parties and has also perused the F.I.R., the compounding application and the affidavits filed in support thereof. 10. It is true that an offence which is not compoundable under the statutory provisions
--	--	--	--



			cannot be permitted to be compounded merely on the basis of a compromise between the parties. However, the power of the High Court to quash criminal proceedings in an appropriate case, in exercise of its inherent jurisdiction, is distinct from the statutory power of compounding an offence. The exercise of such jurisdiction is to be guided by the nature and gravity of the offence, the circumstances in which the occurrence took place, the stage of the proceedings, the nature of the dispute and the overall interests of justice. 11. Hon'ble Supreme Court, in the cases of Gian Singh Vs. State of Punjab and another, reported in (2012) 10 SCC 303, and Narinder Singh and others Vs. State of Punjab and another, reported in (2014) 6 SCC 466, has delineated the principles governing exercise of the inherent jurisdiction of the High Court for quashing criminal proceedings on the basis of settlement between the parties. It has been held that, in appropriate cases, where the dispute is essentially of a private nature and the possibility of conviction is remote and bleak, continuation of the criminal proceedings, despite settlement, may amount to abuse of the process of law and may cause unnecessary oppression and prejudice to the parties. 12. In the present case, the occurrence appears to have arisen out of an unfortunate road accident. The complainant himself has stated that he was not present at the spot. The parties, who are present before the Court and have been duly identified by their respective counsel, have unequivocally stated that they have amicably settled the matter and do not wish to pursue the criminal proceedings. The settlement is voluntary in nature and there is nothing on record to indicate that the same has been arrived at under any coercion, undue influence or pressure. 13. Having regard to the peculiar facts and
--	--	--	---



			circumstances of the case, the nature of the allegations, the stand taken by respondent no.3, the voluntary settlement arrived at between the parties and the fact that the dispute essentially emanates from an unfortunate accident, this Court is of the considered opinion that the possibility of the criminal proceedings culminating in conviction is remote and bleak. In such circumstances, permitting the criminal proceedings to continue would serve no meaningful purpose and would result in unnecessary harassment and prejudice to the petitioners. Continuation of the proceedings, in the peculiar facts of the present case, would amount to an abuse of the process of law. 14. Consequently, the writ petition is allowed. F.I.R./Case Crime No.45 of 2026, under Sections 106(1) and 281 of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Ramnagar, District Nainital, is hereby quashed along with all the proceedings emanating therefrom. 15. Compounding application is, accordingly, disposed of. (Alok Mahra, J.) 11.08.2026 <i>Arpan</i> ARPAN JAISWAL Digitally signed by ARPAN JAISWAL DN: cn=ARPAN JAISWAL, o=UTTARAKHAND, ou=HIGH COURT OF UTTARAKHAND, 2.5.4.2=india@india.net, email=arpajaiswal@judges.nic.in, serialNumber=1026C17620BA45DE217046D045AC11 1026C17620BA45DE217046D045AC11, cn=ARPAN JAISWAL Date: 2026.08.11 16:57:25 +05'30'
--	--	--	--