

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE SIDDHARTHA SAH

05TH JUNE, 2026

CRIMINAL MISCELLANEOUS APPLICATION NO. 1613 OF 2023

In

Compounding Application (IA No.4 of 2026)

Ashish Sharma

.....Applicant

Versus

State of Uttarakhand and Another

.....Respondents

Counsel for the Applicant : Mr. Ramji Srivastava,
Advocate.

Counsel for the State : Mr. Bhaskar Chandra Joshi,
AGA.

Counsel for the Respondent : Mr. Shobhit Saharia,
No.2 Advocate.

Hon'ble Siddhartha Sah, J. (Oral)

By means of this C482 Application, the applicant has sought quashing of the charge-sheet dated 11.03.2023 filed in FIR No.0007 of 2023 and the entire criminal proceedings arising out of Criminal Case No.3739 of 2023, "State vs. Ashish Sharma" under Section 376 of the IPC at Police Station Mussorie, District Dehradun pending in the court of Chief Judicial Magistrate, Dehradun and the summoning order dated 08.08.2023 passed therein.

2. The applicant – Ashish Sharma is present in-person before this Court duly identified by Mr. Ramji Srivastava, Advocate. The respondent no.2 – Akansha

Guleria is present through video conferencing and she is identified by Mr. Shobhit Saharia, Advocate.

3. During the pendency of this case, the parties have entered into a compromise and compounding application has been filed. In support of the compounding application, the affidavits have been filed on behalf of the applicant and also on behalf of the respondent no.2. In the affidavit, in support of the compounding application, the respondent no.2 has stated that with the intervention of the well-wishers, the deponent has amicably resolved all disputes and differences. The deponent undertakes that all disputes till date stand resolved between the parties to this petition and all past, present and future grievances claims and causes of action whether civil or criminal against the applicant (Mr. Ashish Sharma) and his family members, heirs, agents and representatives in relation to the subject dispute. The deponent further undertakes not to initiate, lodge, maintain or support any complaint, claim, suit, petition or legal proceeding of any nature in relation to the said FIR, alleged incidents or related subject matter in any forum, Court, or authority. The deponent has no objection to the quashing of the charge-sheet dated 11.03.2023,

summoning order dated 08.06.2023, passed by the learned Chief Judicial Magistrate in Criminal Case No.3739 of 2023 (now renumbered as 86/2024) arising out of FIR No.0007 of 2023 dated 27.01.2023 registered at Police Station Mussorie, District Dehradun under Sections 376, 504, 506 and 384 of the IPC and the subsequent proceedings emanating therefrom.

4. On interaction with the respondent no.2 through video conferencing, she has no objection to the quashing of the aforesaid proceedings and the impugned orders.

5. Mr. Ashish Sharma, applicant in-person present before this Court also reiterates the statements made in the affidavit in support of the compounding application.

6. Learned counsel for the State takes an objection that since it is a matter where there are proceedings under Section 376 of the IPC, hence the same cannot be compounded.

7. On this, learned counsel for the respondent no.2 submits that in identical circumstances Co-ordinate Bench of this Court passed an order in WPCRL No.2104 of 2022 and vide order dated 12.01.2023 quashed the FIR under Sections 376, 504 and 506 of

the IPC. In the said order dated 12.01.2023, passed by Co-ordinate Bench of this Court by placing reliance upon the judgment of the Hon'ble Supreme Court in the case of **Sonu @ Subhash Kumar vs. State of U.P. and another, (2022) 1 Crimes 142 (SC)** and also in the case of **Shambhu Kharwar vs. State of U.P. 2022, SCC online SC 1032**, the Co-ordinate Bench had allowed the compounding application and had allowed the writ petition. The writ petition emanated out from an FIR No.245 of 2022 dated 07.11.2022 under Sections 376, 504 and 506 of the IPC. The said order is taken on record.

8. In view of the law laid down by Hon'ble the Apex Court in the case of Gian Singh vs. State of Punjab, 2012 (10) SCC 303, Dimpey Gujral vs. Union Territory, Chandigarh, (2013) 11 SCC 497, B.S. Joshi vs. State of Haryana, (2003) 4 SCC 675 and Nikhil Merchant vs. CBI, (2008) 9 SCC 677 and also in view of the aforesaid order dated 12.01.2023 non compoundable offences can be compounded in deserving cases.

9. In view of the aforesaid facts and circumstances of this case and in view of the affidavit filed by the respondent no.2 and her statements made

before this Court, the compounding application deserves to be allowed.

10. Since, the respondent no.2 has consented for compounding the offences, the compounding application is hereby allowed and consequently the charge-sheet dated 11.03.2023 filed in FIR No.0007 of 2023 and the entire criminal proceedings arising out of Criminal Case No.3739 of 2023 (now renumbered as 86/2024), "State vs. Ashish Sharma" under Section 376 of the IPC, registered at Police Station Mussorie, District Dehradun pending in the court of learned Chief Judicial Magistrate, Dehradun and the summoning order dated 08.08.2023 are hereby quashed and the C482 Application stands disposed of accordingly.

SIDDHARTHA SAH, J.

Dated: 05.06.2026
Pant/