

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL****Criminal Misc. Application No. 1950 of 2021**

Deepak Sharma

... Applicant

Versus

State of Uttarakhand and Another

... Respondents

Presence:-

Mr. Amit Kapri, learned counsel for the applicant.

Mr. Rakesh Kumar Joshi, learned A.G.A. for the State.

Mr. Chandramauli Sah, learned counsel for the respondent no.2.
-----**Hon'ble Siddhartha Sah, J. (Oral)**

Mr. Amit Kapri, learned counsel for the applicant.

2. Mr. Rakesh Kumar Joshi, learned A.G.A. for the State.

3. Mr. Chandramauli Shah, learned counsel for the respondent no.2.

4. The applicant no.1 Deepak Sharma is present in-person duly identified by Mr. Amit Kapri, Advocate.

5. Ms. Ayushi Joshi, the respondent no.2 is present in-person duly identified by Mr. Chandramauli Sah, Advocate.

6. By means of the present Criminal Misc. Application under Section 482 of the Cr.P.C., the applicant has sought quashing of summoning order dated 10.05.2021, passed by learned Additional Chief Judicial Magistrate Khatima, District Udham Singh



Nagar in Criminal Case No.474 of 2021, State vs. Deepak Sharma.

7. During the pendency of the instant Criminal Misc. Application, a Compounding Application (I.A. 3 of 2026) has been filed on behalf of the applicant and the respondent no. 2.

8. In the affidavit filed on behalf of the informant/victim/respondent no. 2, she has stated that there was a love affair between the applicant and the respondent no. 2, and due to some misunderstanding, respondent no. 2 lodged the present FIR. The personal misunderstanding has now been resolved outside the Court. The entire proceedings against the applicant would only be a futile exercise and in view of the compromise, the respondent no. 2 does not want to prosecute the applicant.

9. On an interaction with the victim/informant/respondent no. 2, she stated before the Court that she has married in the year 2022 and she is happily settled in her married life and does not want to pursue the matter, which might disturb her married life.

10. Affidavit has also been filed on behalf of the applicant in support of the Compounding Application, wherein he reiterates that there was a love affair between the applicant and the respondent no. 2, and due to some misunderstanding, respondent no. 2 lodged FIR and that the misunderstanding has now been resolved and the Compounding Application may be allowed.



11. Mr. Rakesh Kumar Joshi, learned A.G.A. made an objection that by virtue of the Compounding Application, the applicant is seeking compounding of offence under Section 376 of IPC, which is a non-compoundable offence, and therefore, Compounding Application deserves to be rejected.

12. On this, the learned counsel for the applicant has relied upon the orders of the Co-ordinate Benches of this Court dated 01.04.2026, passed in WPCRL No. 229 of 2026, Akhil Bangari Vs. State of Uttarakhand and others, order dated 10.10.2022, passed in Criminal Misc. Application No.1651 of 2021, Mohit Kumar Vs. State of Uttarakhand and Others and order dated 21.10.2022 passed in C482 No. 1942 of 2022, Anees @ Anees Raz Vs. State of Uttarakhand and Others and the learned counsel for the applicant would submit that Co-ordinate Benches of this Hon'ble Court have passed orders whereby offence under Section 376 of IPC have been compounded in the past.

13. It is also pertinent to mention that in the case of **Madhukar and Others vs. the State of Maharashtra and another**, Neutral Citation 2025 INSC 819, the Hon'ble Supreme Court has quashed FIR and all the proceedings arising therefrom in a case under Section 376 of IPC. In the case of Madhukar & Others (supra), in para nos. 6, 7, 8 and 9 in somewhat similar case, the Hon'ble Supreme Court has quashed the proceedings under Section 376 of IPC. Relevant paragraph nos. 6, 7, 8 and 9 of the said judgment are being reproduced



hereunder :-

“6. At the outset, we recognise that the offence under Section 376 IPC is undoubtedly of a grave and heinous nature. Ordinarily, quashing of proceedings involving such offences on the ground of settlement between the parties is discouraged and should not be permitted lightly. However, the power of the Court under Section 482 CrPC to secure the ends of justice is not constrained by a rigid formula and must be exercised with reference to the facts of each case.

7. In the present matter, we are confronted with an unusual situation where the FIR invoking serious charges, including Section 376 IPC, was filed immediately following an earlier FIR lodged by the opposing side. This sequence of events lends a certain context to the allegations and suggests that the second FIR may have been a reactionary step. More importantly, the complainant in the second FIR has unequivocally expressed her desire not to pursue the case. She has submitted that she is now married, settled in her personal life, and continuing with the criminal proceedings would only disturb her peace and stability. Her stand is neither tentative nor ambiguous, she has consistently maintained, including through an affidavit on record, that she does not support the prosecution and wants the matter to end. The parties have also amicably resolved their differences and arrived at a mutual understanding. In these circumstances, the continuation of the trial would not serve any meaningful purpose. It would only prolong distress for all concerned, especially the complainant, and burden the Courts without the likelihood of a productive outcome.

8. Therefore, having considered the peculiar facts and circumstances of this case, and taking into account the categorical stand taken by the complainant and the nature of the settlement, we are of the opinion that the continuation of the criminal proceedings would serve no useful purpose and would only amount to abuse of process.

9. Accordingly, the appeals are allowed. The impugned order of the High Court dated 07.03.2025 is set aside. FIR No. 302 of 2023 and FIR No. 304 of 2023, along with all proceedings arising therefrom, including Sessions Case No. 29 of 2024, stand quashed.

14. Thus, the Hon'ble Supreme Court in a peculiar situation like this, where the prosecutrix states before the Court that she is married, settled in her personal life, continuing with the criminal proceedings would only



disturb her peace and stability, had proceeded to quash the proceedings under Section 376 of IPC.

15. Also, in the case 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 held that the High Court, in exercise of power under Section 482 of the Cr.P.C, can pass appropriate orders for compounding in non-compoundable offences.

16. In view of the aforesaid facts and circumstances, the compounding application deserves to be allowed and is hereby allowed.

17. As a consequence thereof, the impugned summoning order dated 10.05.2021, passed by learned Additional Chief Judicial Magistrate Khatima, District Udham Singh Nagar in Criminal Case No. 474 of 2021, State Vs. Deepak Sharma under Sections 376 and 417 of the IPC as well as entire proceedings of the said case qua the present applicant, is hereby quashed.

18. The present Criminal Misc. Application is disposed accordingly.

19. Pending application, if any, stands disposed of accordingly.

(Siddhartha Sah, J.)

16.07.2026

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