



2026:UHC:4686

IN THE HIGH COURT OF UTTARAKHAND

AT NAINITAL

Compounding Application (CRMA No.11472 of 2018)

In

Criminal Misc Application No.1985 of 2018

11th June, 2026

Surjeet Singh & Anr.

--Applicants

Versus

State of Uttarakhand & Ors.

--Respondents

Presence:-

Ms. Priya Mewari, Advocate for the applicants.

Mr. Sandeep Sharma, learned A.G.A. assisted by Ms. Rangoli Purohit, learned Brief Holder for the State.

Ms. Shruti Joshi, Advocate for the respondent nos.3 and 4 through V.C.

Hon'ble Siddhartha Sah, J.

The present criminal misc. application is filed under Section 482 of Cr.P.C. by the applicants for quashing the entire proceedings of Criminal Case No.110 of 2018, '*Surjeet Singh and others vs. State of Uttarakhand*' under Sections 307 & 323 of IPC, Police Station Kelakhera, District Udham Singh Nagar, pending in the court of learned Judicial Magistrate, Bazpur, District Udham Singh Nagar along with the charge sheet and other consequential orders in the light of the compromise arrived at between the parties. The parties were present in person in Court on 17.12.2018 as evident from the order-sheet.



2. It has been brought to the notice of this Court that applicant no.1, Surjeet Singh and Respondent No. 2, Lakhvinder Singh, the complainant have expired during the pendency of the present C-482 application.

3. In view thereof, the right to prosecute the present application, so far as applicant no.1, Surjeet Singh is concerned, does not survive. Accordingly, the present C-482 application stands abated *qua* applicant no.1. However, the present C-482 application shall continue at the instance of the surviving applicant.

4. During pendency of the present criminal misc. application, Compounding Application (CRMA No.11472 of 2018) has been filed on behalf of the applicant and respondent nos.3 and 4. Affidavits have been filed in support of the compounding application on behalf of the respondent no.3, Sukhwant Singh (injured) and respondent no.4, Swam Singh (injured). In the affidavits of respondent nos.3 and 4, who are injured persons, they have categorically stated that the parties have settled the matter amicably and the two injured persons no longer wants to keep the matter pending and also do not want to prosecute the applicant/accused person.

In their affidavits, the injured persons have also stated that they sustained injuries which are not fatal to life. Accordingly, the applicant and respondent nos. 3 and



4 have sought allowing of the compounding application by quashing the entire proceedings of Criminal Case No.110 of 2018.

5. Learned State counsel would submit that since Section 307 of IPC is also attracted in the present case, and the said offence is non-compoundable, the compounding application cannot be allowed.

6. However, in view of the judgments of Hon'ble Supreme Court in the cases 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 permitted the compounding of non-compoundable offence. Also, the Coordinate Bench of this Hon'ble Court in the case of "Kedar Singh and three others vs. State of Uttarakhand and others" reported in 2014 SCC OnLine Utt 2275 has in identical circumstances permitted the compounding of offence punishable under Section 307 of IPC. The relevant paragraphs of the said judgment are being extracted hereunder:-

"6. Learned counsel for the parties drew the attention of this Court towards the ruling of Gian Singh v. State of Punjab, (2013) 1 SCC (Cri) 160, in which Hon'ble Supreme Court observed as below:



“The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal



proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

7. The instant cases are squarely covered by the above ruling of the Hon'ble Supreme Court. The obvious reply to the question posed above in para no. 5 of the judgment is in affirmative in view of the ruling of Hon'ble Apex Court in Gian Singh's case (supra). Hon'ble Apex Court also permitted compounding of offence punishable under Section 307 IPC in the case of Dimpey Gujral v. Union Territory through Administrator U.T. Chandigarh, [2013 (123) AIC 119 (S.C.)].

8. A reference may also be had to the decision of Narendra Singh v. State of Punjab, reported in (2014) 6 SCC 466, in this regard. Otherwise also, it will be a futile exercise if proceeding of the criminal case against the applicants are kept pending when the parties have settled their disputes amicably.

8. Compounding Applications No. CRMA No. 1810 of 2014 and CRMA 1811 of 2014 are thus allowed. As a consequence of the same, the charge-sheets as well as proceedings of Sessions Trial No. 119 of 2009, captioned as State v. Ram Das, under Section 307 of IPC, and Sessions Trial No. 164 of 2010, State v. Prem Singh, under Sections 325, 326/34, 504 & 506 of IPC, pending in the Court of 3rd Additional Sessions Judge, Rudrapur, District Udham Singh Nagar are hereby quashed against the applicants.

9. Applications under Section 482 Cr.P.C. are thus disposed of in terms of compromise arrived at between the parties.”

Since the parties have already settled the matter amicably and the Hon'ble Supreme Court in the aforesaid cases as well as a Coordinate Bench of this Court has also permitted the compounding in the matters involving Section 307 of IPC, hence the compounding application deserves to be allowed.



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7. Since the injured persons have contested for compounding of the said offence, hence, the Compounding Application (CRMA No.11472 of 2018) is hereby allowed.

8. As a consequence thereof, the entire proceedings of Criminal Case No.110 of 2018, '*Surjeet Singh and others vs. State of Uttarakhand*' under Sections 307 & 323 of IPC, Police Station Kelakhera, District Udham Singh Nagar, pending in the court of learned Judicial Magistrate, Bazpur, District Udham Singh Nagar along with the charge sheet and other consequential orders, if any, are hereby quashed.

9. The present criminal misc. application under Section 482 of IPC is, thus, disposed of in aforesaid terms.

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

(Siddhartha Sah, J.)
11.06.2026

Akash