



2024:UHC:8368

| SL. No. | Date       | Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures | COURT'S OR JUDGE'S ORDERS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|         | 08.11.2024 |                                                                                                  | <p>C528 No.768 of 2024<br/><b><u>Hon'ble Vivek Bharti Sharma, J.</u></b></p> <p>Ms. Sameeksha Negi, learned counsel holding brief of Mr. Lalit Sharma, learned counsel for the petitioner.</p> <p>2. Mr. G. S. Sandhu, learned Addl. A.G. along with Ms. Mamta Joshi, learned Brief Holder for the State.</p> <p>3. This petition is filed by the petitioner/accused to quash the FIR No.173 of 2019 dated 18.12.2019, charge sheet dated 22.06.2020 and summoning order dated 21.10.2020 as well as the entire proceeding of Criminal Case No.5489 of 2020 <i>State vs. Naresh Pal Gangwar</i>, under Section 420 of IPC pending before Second Judicial Magistrate, Rudrapur District Udham Singh Nagar on the basis of compromised arrived at between the parties.</p> <p>4. Learned counsel for the petitioner would submit that now the parties have amicably settled their dispute and the respondent/complainant does not want to prosecute the petitioner further, therefore, a joint compounding application has been filed by the parties to compound the alleged offences and prayed that the entire proceedings of the criminal case be quashed as continuation of the criminal proceedings would be a futile exercise.</p> <p>5. Perusal of the record reveals that the compounding application is filed by the parties to compound the offence under Sections 420 I.P.C., which is compoundable offence. The power under Section 528 of B.N.S.S. is an extraordinary power, which is to be exercised sparingly and not in routine and if the parties have settled their dispute amicably then they have efficacious remedy to approach the concerned trial court for redressal of their grievance and the trial court is more capable for verifying the authenticity of the contents of the compounding application by recording the statements of the parties to meet the ends of justice.</p> <p>6. In view of the above, the C-528 petition is dismissed. However, liberty is given to the parties</p> |



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|  |  |  | <p>to file the compounding application before the concerned trial court in accordance with law.</p> <p><b>(Vivek Bharti Sharma, J.)</b><br/>08.11.2024</p> <p>BS</p> <p>BALWANT SINGH</p> |
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