2024:UHC:9608

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Miscellaneous Application No. 982 of 2024
With
IA 1/2024 (For Compounding Application)

Shamsher Singh and Others ...Appellants

Vs.

State of Uttarakhand and Others

...Respondents

Presence:
1. Mr. Shariq Khurshid, learned counsel for the applicants.
2. Mr. Prabhat Kandpal and Mr. Sandeep Sharma, learned Brief Holders for the State.
3. Mr. Prince Chauhan, learned counsel for the respondent.

Hon'ble Rakesh Thapliyal, J. (Oral)

The instant application has been preferred under Section 528 of BNSS, 2023 along with compounding application supported with the affidavits of all the applicants and respondent nos. 2 to 6. All the applicants and respondent nos. 2 to 6 are present in court and are identified by their respective counsel through their Aadhar cards.

2. The brief facts of the case are that the First Information Report was lodged by the respondent no. 2 against all the applicants for the offences punishable under Sections 147, 323, 452 and 504 of IPC at P.S. ITI, District Udham Singh Nagar registered as FIR No. 394 of 2021, wherein after completion of the investigation the chargesheet was filed against all the applicants for the offences punishable under Sections 147, 325, 504, 506 and 452 of IPC r/w Section 34 of IPC in which the learned Judicial Magistrate took cognizance on 14.07.2022.

3. Now, it is submitted in the compounding application that all the applicants and respondent nos. 2 to 6 are residing in the same locality and they all are known to each other and there was certain dispute due to which First Information Report was lodged and they have been chargesheeted.

4. Apart from this, it is submitted that the applicant nos. 2 and 3 are husband and wife and applicant no. 1 is the brother of applicant no. 2 and applicant nos. 4 and 5 are the cousin brother of the applicant no. 1. So far as the respondent nos. 2 to 6 are concerned, the respondent nos. 2 and 3 are husband and wife and the respondent nos. 4 and 5 are their sons and respondent no. 6 is the wife of younger brother of the respondent no. 2. Thus, it is clear that all the applicants are from the same family and respondents are also from same family though applicants and respondent nos. 2 to 6 are not relatives but residing in the same village and locality.

5. Learned State counsel submits that except the offences punishable under Sections 147 and 452 rest of the offences are compoundable. However, he also fairly submits that on perusal of the chargesheet it reveals that the injury as caused to the injured are not danger to the life. He also submits that since the dispute in between the parties, who are present in court, appears to be personal in nature which they have resolved; therefore, even the non-compoundable offences i.e. Section 147 and Section 452 can be compounded with the permission of the court.

6. After taking into consideration all these aspects and furthermore keeping in view of the fact that all of them are living in the same locality and village and now they have settled their disputes and living with peace and harmony and injury caused are

not danger to life, therefore, this court is of the view that the initiation of the impugned proceeding is completely a futile exercise since there are very remote chances of their conviction.

7. Thus, this court is of the view that the compounding application deserves to be allowed. Accordingly, the compounding application is allowed. The entire proceeding of Criminal Case No. 560 of 2022 arising out of Case Crime No. 0394 of 2021 P.S. ITI District Udham Singh Nagar ‘State vs. Shamsher Singh and Others’ pending in the court of Judicial Magistrate, District Udham Singh Nagar, is hereby quashed.

8. Accordingly, the instant C528 application is thus disposed of finally.

(Rakesh Thapliyal, J.)
17.12.2024

PR