# IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

**THE HON'BLE SHRI JUSTICE ASHISH NAITHANI**

**20th MARCH, 2025**

**CRIMINAL MISCELLANEOUS APPLICATION NO. 800 of 2018**

Krishna Mohan ....Applicant

Vs.

State of Uttarakhand and Another.

.....Respondents

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| Counsel for the Applicant | : | Mr. Dinesh Kumar Tyagi, Advocate. |
| Counsel for the State | : | Mr. Pramod Tiwari, Brief Holder. |
| Counsel for the Respondent no.2 | : | Mr. Brahm Dev, Advocate. |

**Hon'ble Ashish Naithani, J.**

The present Application has been filed under Section 482 of the Code of Criminal Procedure, 1973 to quash the charge-sheet, summoning order and the entire proceedings of Criminal Case No. 1162 of 2017 under Sections 420, 467, 468 and 471 of the Indian Penal Code, 180, pending before the Court of learned Additional Chief Judicial Magistrate, Khatima, District Udham Singh Nagar.

2. Subsequent to the submission of the charge-sheet, learned Trial Court took the cognizance and passed

the summoning order against the applicant-accused person for the offence under Sections 420, 467, 468 and 471 of Indian Penal Code, 1860.

3. Along with C-482 Application, a joint Compounding Application (IA No. 2 of 2024) has been signed and filed by the parties, which is duly supported by separate affidavits of the parties.

4. Shri. Krishna Mohan-applicant is present through video conferencing and he is duly identified by Mr. Dinesh Kumar Tyagi, Advocate.

5. Since respondent no.2 passed away during pendency of trial, his legal heirs, namely, Om Prakash and Ramesh, who are the sons of respondent no.2 have filed their respective affidavits alongwith the compounding application stating therein that they do not want to pursue the present criminal case any further and a settlement has reached between them and the applicant. They are present through video conferencing and are duly identified by Mr. Brahm Dev, Advocate.

6. Heard learned counsel for the parties and perused the material available on record.

7. The Court also had an interaction with legal heirs, namely, Om Prakash and Ramesh, who are the sons of

respondent no.2, about the compromise, to which, they fairly conceded that they have no objection if compounding application is allowed.

8. The legal heirs of respondent no. 2, namely, Om Prakash and Ramesh requested to quash the entire proceedings of the said Criminal Case No. 1162 of 2017, pending before the Court of learned Additional Chief Judicial Magistrate, Khatima, District Udham Singh Nagar.

9. Learned State Counsel raised a preliminary objection to the effect that some of the offences sought to be compounded are non-compoundable.

10. In view of the principle of law laid down by Hon'ble the Apex Court in the case of ***Gian Singh vs. State of Punjab reported in 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***, criminal proceedings can be quashed by this Court, if this Court is satisfied that matter has been settled between the parties amicably and parties are interested to restore peace and harmony between them.

11. Keeping in view of the totality of the facts and circumstances of the case, this Court is of the view that ends of justice would be met, if the entire proceedings of Criminal

Case No. 1162 of 2017 under Sections 420, 467, 468 and 471 of IPC, pending before the Court of learned Additional Chief Judicial Magistrate, Khatima, District Udham Singh Nagar, are quashed.

12. Resultantly, the entire proceedings of entire proceedings of Criminal Case No. 1162 of 2017 under Sections 420, 467, 468 and 471 of IPC, pending before the Court of learned Additional Chief Judicial Magistrate, Khatima, District Udham Singh Nagar are hereby quashed.

13. The Criminal Miscellaneous Application No. 800 of 2018, filed under Section 482 of the Code of Criminal Procedure, is disposed of accordingly.

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**ASHISH NAITHANI, J.**

Dt: 20th March, 2025
Shiksha