2025:UHC:6712

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Criminal No.1114 of 2025

22nd September, 2025

Mohd. Hasan @ Kallu and others

--Petitioners

Versus

State of Uttarakhand & others

--Respondents

Presence:-

Mr. Sachin Panwar, learned counsel for the petitioners.
Mr. Girish Chand Johsi, learned AGA for the State.
Mr. Trilok Chandra, learned counsel for respondent no.3.

Hon'ble Pankaj Purohit, J.

Heard learned counsel for the parties.

2. By means of the present writ petition, petitioners have put to challenge the First Information Report No.91 of 2025 dated 06.09.2025, under Sections 109, 115(2), 191(2), 191(3), 324(2), 351(2) and 352 of BNS, 2023, registered with Police Station Shyampur, District Haridwar on the ground of settlement and compromise entered into between the parties.

3. Along with present criminal writ petition, a joint compounding application has also been filed by the parties, which is duly supported by separate affidavits of the parties.

4. In the compounding application, it has been stated that the petitioners and respondent no.3 have amicably settled their dispute with the intervention of elder members of the community and now wish to lead a peaceful and secure life. It is further stated that the petitioners have tendered an apology to respondent no.3,

acknowledging that the incident occurred due to a misunderstanding. They have assured that no such incident will occur in the future and that their differences have now been resolved.

5. All the six petitioners and respondent no.3-informant are present in the Court, duly identified by their respective counsel.

6. This Court interacted with the parties specifically respondent no.3, who clearly stated before the Court that he has no grievance against the petitioners and he does not want to pursue the aforesaid criminal case.

7. Per contra, Learned State Counsel raised a preliminary objection to the effect that offence(s) sought to be compounded is non-compoundable.

8. Learned counsel for the petitioners relied upon a judgment rendered by Hon'ble Supreme Court in the case of ***Jaiveer Malik & Another Vs. The State of Delhi*** passed in Criminal Appeal Nos.864-866 of 2024, wherein, the proceedings arising out of F.I.R. No.223 of 2016 were set aside, which too were registered under Section 307 of IPC (Section 109 BNS, 2023), taking recourse of Yogendra Yadav case which is discussed hereinafter.

9. Hon'ble Supreme Court in the case of ***Yogendra Yadav and Others Vs. State of Jharkhand and Another*** reported in ***(2014) 9 SCC 653***, in Para 4 it has been observed as under:-

> *"4. Now, the question before this Court is whether this Court can compound the offences under Sections 326 and 307 of the IPC which are non-compoundable. Needless to say that offences which are non-compoundable cannot be compounded by the court. Courts draw the power of compounding offences from Section 320 of the Code. The*

said provision has to be strictly followed (Gian Singh v. State of Punjab) (2012) 10 SCC 303. However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under Section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable. In which cases the High Court can exercise its discretion to quash the proceedings will depend on facts and circumstances of each case. Offences which involve moral turpitude, grave offences like rape, murder etc. cannot be effaced by quashing the proceedings because that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such offences are quashed, it may send wrong signal to the society. However, when the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquility and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace."

10. The Hon'ble Supreme Court is of the view that 'if Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquility and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace'

11. Having considered the submissions made by learned counsel for the parties and the principle enunciated by the Hon'ble Supreme Court in the case of ***Yogendra Yadav (Supra),*** which is reiterated in ***Jaiveer Malik (Supra),*** this Court is of the opinion

that since the parties have reached to the terms of the compromise, there would remain a remote or bleak possibility of conviction in this case. It can also safely be inferred that it would be unfair or contrary to the interest of justice to permit continuation of the criminal proceedings. Since the answer to the aforesaid points is in affirmative, this Court finds it a fit case to permit the parties to compound the matter.

12. Accordingly, Compounding Application (IA No.1 of 2024) is hereby allowed. The compromise arrived at between the parties is accepted. First Information Report No.91 of 2025 dated 06.09.2025, under Sections 109, 115(2), 191(2), 191(3), 324(2), 351(2) and 352 of BNS, 2023, registered with Police Station Shyampur, District Haridwar is hereby quashed, *qua*, the petitioners. Consequently, all the subsequent proceedings pursuant to the impugned F.I.R. *qua* the petitioners automatically shall come to an end.

13. Present criminal writ petition stands allowed accordingly. (*Pending application, if any, stands disposed of accordingly*).

(Pankaj Purohit, J.)
22.09.2025

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