2025:UHC:10157

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc Application (u/s 528) No.1938 of 2025

17 November, 2025

Ravish Bhatt --Applicant

Versus

State Of Uttarakhand and Another --Respondents

Presence:-

Mr. Niranjan Bhatt and Mr. K.N. Nautiyal, learned counsel for the applicant.

Mr. Akshay Latwal, learned A.G.A. with Ms. Sweta Badola Dobhal and Mr. Prabhat Kandpal, learned Brief Holders for State of Uttarakhand/respondent No.1.

Mr. Nivesh Bahuguna, learned counsel for respondent No.2.

Hon'ble Pankaj Purohit, J. (Oral)

Heard learned counsel for the parties.

2. By means of the present C528 application, the applicant has put to challenge the Charge Sheet dated 04.11.2022, cognizance/summoning order dated 20.01.2023 passed in Criminal Case No.652 of 2023 *State Vs. Ravish Bhatt and others*, under Sections 498A, 323, 504 and 506 IPC and under Section 3/4 of the Dowry Prohibition Act, 1961, pending in the Court of learned ACJM/Sixth Additional Civil Judge (Sr. Div.), Dehradun, as well as the entire proceedings of aforementioned criminal case.

3. Along with the present C528 application, a joint compounding application (IA/1/2025) is filed duly supported by separate affidavits by applicant and respondent No.2.

4. In the compounding application, it has been stated by the parties that the present matter is a matrimonial dispute and now both the parties have settled their dispute amicably and the respondent No.2 does not want to pursue with the case anymore.

5. Applicant-Ravish Bhatt is present before this Court while respondent No.2-Smt. Puja Dhoundiyal is present before this Court through V.C., who are duly identified by their respective counsel. On interaction, respondent No.2 made a statement that the parties have decided to settle their dispute by amicable settlement and in order to settle the dispute, both of them Ravish Bhatt-husband and Smt. Puja Dhoundiyal-wife has filed a mutual divorce petition before the Court of learned Principal Judge, Family Court, Dehradun, which has been registered as Original Suit No.517 of 2025 Smt. Puja Dhoundiyal Vs. Sh. Ravish Bhatt, under Section 13B of the Hindu Marriage Act, 1955 (Section 27 of the Uttarakhand Uniform Civil Code 2024). In the said case, it is informed by her that the date for second motion is fixed on 25.11.2025. In view of the mutual divorce petition sought by the parties, she wants to end the matter with her free will and does not want to prosecute the applicant in the aforesaid matter any further.

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

7. So far as compounding of non-compoundable offence is concerned, the Apex Court has dealt with the consequence of a compromise in this regard in the case of ***B.S. Joshi and others vs. State of Haryana and another***, reported in **(2003)4 SCC 675** and has held as below: -

> *"If for the purpose of securing the ends of justice, quashing of FIR becomes necessary, Section 320 Cr.P.C. would not be a bar to the exercise of power of quashing. It is, however, a different matter depending upon the facts and circumstances of each case whether to exercise or not such a power."*

8. Thus, the High Court, in exercise of its inherent power can quash criminal proceedings or FIR or complaint, and Section 320 of Cr.P.C. does not limit or

affect the powers under Section 482 of the Code of Criminal Procedure 1973 (Section 528 of BNSS).

9. Learned counsel for the parties also drew the attention of this Court towards the ruling of ***Gian Singh v. State of Punjab and another***, **(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. ..... 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."*

10. Since the parties have reached to the terms of the compromise, this Court is of the firm opinion that 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.

11. Accordingly, compounding application (IA/1/ 2025) is allowed.

12. In view of the above, the present C528 application is allowed in terms of the compromise. The entire proceedings of Criminal Case No.652 of 2023 *State Vs. Ravish Bhatt and others*, under Sections 498A, 323, 504 and 506 IPC and under Section 3/4 of the Dowry Prohibition Act, 1961, pending in the Court of learned ACJM/Sixth Additional Civil Judge (Sr. Div.), Dehradun, are hereby quashed. Resultantly, the Charge Sheet dated 04.11.2022 and FIR No.0202 of 2022 dated 30.05.2022 under the aforementioned Sections, registered with P.S. Raipur, District Dehradun, stand quashed *qua* the applicant herein.

13. Pending application(s), if any, also stands disposed of.

(**Pankaj Purohit, J**.)
17.11.2025

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