HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Miscellaneous Application No.2044 of 2025

Ravishankar and others .....Applicants

Versus

State of Uttarakhand and others .....Respondents

Presence:-
Ms. Sheetal Selwal, Advocate for the applicants.
Ms. Sweta B. Dobhal, Brief Holder for the State.
Mr. Sunny Kumar, Advocate for respondent nos.2 & 3.

Hon'ble Pankaj Purohit, J.

Heard learned counsel for the parties.

2. Present writ petition has been filed by the applicants along with the compounding application (IA/1/2025) for quashing the charge-sheet dated 05.03.2023 as well as cognizance/summoning order dated 01.12.2023 passed by learned Judicial Magistrate 1st, Haldwani, District Nainital with entire proceedings of Criminal Case No.5163 of 2023 (FIR No.0633 of 2022), State vs. Ravi Shankar and others, under Sections 323, 354, 504, 506 and 294 IPC, registered at P.S. Haldwani, District Nainital, on the basis of a 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 applicants and respondent nos.2 & 3

have amicably settled their disputes and now wish to lead a peaceful and secure life. They have assured that no such incident will occur in the future and that their differences have now been resolved.

5. The applicants and respondent nos.2 & 3 are present in Court, duly identified by their respective counsel.

6. This Court interacted with the parties specifically respondent nos.2 & 3, who clearly stated before the Court that they have no grievance against the applicants and they do not want to pursue the aforesaid criminal case.

7. Per contra, learned State Counsel raised a preliminary objection to the effect that offences under Sections 354 and 294 IPC sought to be compounded are non-compoundable.

8. 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."

9. Thus, the High Court, in exercise of its inherent power under Section 528 of BNSS, 2023 can quash criminal proceedings or FIR or complaint, and

Section 320 of Cr.P.C. does not limit or affect such powers.

10. Since the parties have reached to the terms of the compromise, this Court is of the firm opinion that there would be 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. In this view of the matter, Compounding Application (IA/1/2025) is allowed. As a result, the entire proceeding of Criminal Case No.5163 of 2023 (FIR No.0633 of 2022), State vs. Ravi Shankar and others, pending in the court of Judicial Magistrate 1st, Haldwani, District Nainital, are hereby quashed. FIR No.0633 of 2022, under Sections 323, 354, 504, 506 and 294 IPC, registered at P.S. Haldwani, District Nainital and the charge-sheet filed in pursuant thereto, stand quashed.

12. The writ petition stands disposed of accordingly.

(Pankaj Purohit, J.)
17.11.2025

Ravi