HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc Application No. 2167 of 2025

Kartik Butola and Another --Applicants

Versus

State Of Uttarakhand and Another --Respondents

Presence:-

Mr. Gaurav Nagpal, learned counsel for applicants.
Ms. Sweta Badola Dobhal and Mr. Prabhat Kandpal, learned Brief Holders for State of Uttarakhand/respondent No.1.
Mr. Amit Tyagi, 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 applicants have put to challenge the Charge Sheet dated 25.07.2023, cognizance/summoning order dated 07.05.2025 passed by learned 3rd Judicial Magistrate, Dehradun, in Criminal Case No.3112 of 2025 *State of Uttarakhand Vs. Kartik Butola and Ors.*, under Sections 147, 325, 427 IPC, as well as the entire proceedings of aforementioned criminal case, on the ground of compromise entered into between the parties.

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

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

5. Applicants- Kartik Butola, Sudhanshu Jakhmola and respondent No.2-Yash Saxena, are 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 already settled their dispute amicably by settlement deed dated 12.11.2025 outside the Court, therefore, he wants to end the matter with his free will and does not want to prosecute the applicants 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/2/ 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.3112 of 2025 *State of Uttarakhand Vs. Kartik Butola and Others*, under Sections 147, 325, 427 IPC, pending in the Court of learned 3rd Judicial Magistrate, Dehradun, are hereby quashed *qua* the applicants, subject to payment of Rs.5,000/- (Rupees Five Thousand only) by each of the applicants, in the Uttarakhand High Court Bar Association Advocates' Welfare Fund, simply for the reason of wasting public time of investigating agency and to act as deterrent against the applicants in future for venturing such a dare devil act/offence. Resultantly, the Charge Sheet dated 25.07.2023 and FIR No.0046 of 2023 dated 13.04.2023, registered with P.S. Clement Town, District Dehradun, stand quashed *qua* the applicants with the aforesaid condition.

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

(**Pankaj Purohit, J**.)
05.12.2025

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