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2026:UHC:10768

HIGH COURT OF UTTARAKHAND AT NAINITAL

Compounding Application No. 2134 of 2026
In
Criminal Misc. Application No.1668 of 2017

Pavan Kumar Nath and another .....Petitioners

Vs.

State of Uttarakhand and another ..... Respondents

Present : Mr. R.P. Nautiyal, Senior Advocate, assisted by Mr. Vinay Bisht, Advocate for the petitioners.
Mr. B. N. Molekhi, D.A.G. for the State.
Mr. H.C. Pathak, Advocate for the respondent no.2.

JUDGMENT

Hon'ble Ravindra Maithani, J. (Oral)

The challenge in this petition is made to the following:-

(i) Order dated 01.10.2015, passed in Criminal Case No. 168 of 2013, State Vs. Pawan Kumar and another, by the court of Judicial Magistrate, Nainital ("the case"). By it, the court ordered that there are sufficient grounds to frame charge under Section 406, 506 IPC against the petitioners; and

(ii) Order dated 31.10.2017, passed in Criminal Revision No. 98 of 2018, Pawan Kumar Nath and another Vs. State of Uttarakhand, by the court of 1st Additional Sessions Judge, Nainital ("the revision"). By it, the order dated 01.10.2015, passed in the case has been upheld.

2. Heard learned counsel for the parties and perused the record.

3. During the course of hearing, a joint Compounding Application No. 2134 of 2026 has been filed by the petitioner no.1 Pavan Kumar Nath and the respondent no.2 Smt. Rashmi Mukhi, which is supported with the affidavits of the petitioner no.1 Pavan Kumar Nath and the respondent no.2 Smt. Rashmi Mukhi, the informant in the case. Alongwith the compounding application the death certificate of the petitioner No.2 Pooran Nath has also been filed as Annexure 1.

4. Learned counsel for the parties submits that the petitioner and the respondent no.2 Smt. Rashmi Mukhi, the informant have amicably settled the dispute. Therefore, the proceedings may be quashed based on the compounding of the offences.

5. The genesis of the case is an FIR lodged by the respondent no.2 on 16.09.2021 at Police Station Mallital, District Nainital, which is basis of FIR No. 34 of 2011, in which, charge sheet was submitted and cognizance in the case was taken.

6. With regard to the death of the petitioner no.2 Pooran Nath, as such, death certificate has been filed. Learned State counsel, under instructions, confirms that the respondent no.2, Pooran Nath has passed away. The proceedings of the case stands abated *qua* petitioner no.2 Pooran Nath.

7. The petitioner no.1 Pavan Kumar Nath and the respondent no.2 Smt. Rashmi Mukhi joined the proceedings through video conferencing, as identified by their respective counsel. They have verified the contents of the compromise. The Court particularly asked the respondent no.2 Smt. Rashmi Mukhi, the informant, she submits that she has settled the dispute with the petitioner No. 1 Pavan Kumar Nath. She has been reimbursed the claim by the petitioner no.1 Pavan Kumar Nath and she does not want to proceed with the case.

8. Having considered all the attending factors, this Court is of the view that it is a case which may be decided on the basis of amicable settlement between the parties. Accordingly, the petition deserves to be allowed.

9. Accordingly, the instant petition is allowed. Order dated 01.10.2015, passed in Criminal Case No. 168 of 2013, State Vs. Pawan Kumar and another, by the court of Judicial Magistrate, Nainital; order dated 31.10.2017, passed in Criminal Revision No. 98 of 2018, Pawan Kumar Nath and another Vs. State of Uttarakhand, pending in the court of 1st Additional Sessions Judge, Nainital and the entire proceedings of the Criminal Case No. 168 of 2013, State Vs. Pawan Kumar and another, pending in the court of Judicial Magistrate, Nainital are hereby quashed *qua* the petitioner no.1 Pavan Kumar Nath.

10. Compounding Application No. 2134 of 2026 stands disposed of accordingly.

(Ravindra Maithani, J.)
23.11.2026

Jitendra