SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/1586/2025 Mohd Kasim Alias Mohd Kasif And Ors --Applicants **Versus** State Of Uttarakhand and Others -Respondents **Hon'ble Alok Mahra, J.** Mr. Mohit Kumar Kashyap, learned counsel for the applicants. Mr. Pramod Tiwari, learned A.G.A. for the State of Uttarakhand. Mr. Anuj Singh Kunjwal, learned counsel for respondent nos. 2 and 3. 2. The present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the "BNSS"), has been filed by the applicants seeking quashing of the charge-sheet dated 02.04.2023, the cognizance /summoning order dated 11.04.2023, and the entire proceedings of Special Sessions Trial No. 395 of 2023, arising out of FIR No. 677 of 2022, State v. Mohd. Kasim and Others, for the offences punishable under Sections 354, 384, 506 and 420 of the Indian Penal Code, 1860 (hereinafter referred to as the "IPC"), and Sections 16 and 17 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as the "POCSO Act"), registered at Police Station Kashipur, District Udham Singh Nagar, and pending before the Court of the learned Fast Track Court/Additional Sessions Judge/Special Judge (POCSO Act), Rudrapur, District Udham Singh Nagar, on the basis of a compromise arrived at between the parties. 3. Along with the present application, a compounding

application, being I.A. No. 01 of 2025, has also been filed. The said application bears the signatures of the parties and has been duly identified by their respective learned counsel. The application is supported by affidavits of the parties, wherein it has been stated that they have amicably settled their dispute and that respondent nos. 2 and 3 do not wish to pursue the criminal proceedings any further.

4. Applicant nos. 1 and 2 are present before this Court. Applicant no. 3 is unable to appear, as she is hospitalised and is at an advanced stage of pregnancy. Respondent nos. 2 and 3 are also present before this Court, and the parties present have been duly identified by their respective learned counsel.

5. Learned State Counsel has opposed the compounding application.

6. Learned counsel for the applicants submits that the present FIR is false, frivolous and devoid of any substantive basis. It is further submitted that applicant nos. 1 and 2 had previously instituted proceedings against respondent no. 3 under Section 138 of the Negotiable Instruments Act, 1881, on account of dishonour of a cheque issued by respondent no. 3 in their favour. It is contended that the present FIR was lodged as a counterblast to the aforesaid proceedings.

7. Upon interaction with this Court, respondent nos. 2 and 3 submit that the present FIR was lodged owing to certain misunderstandings between the parties and that, in view of the amicable settlement subsequently arrived at, they no longer wish to pursue the matter any further.

8. Upon interacting with the parties present before it and considering the material available on record, this Court is

			satisfied that the settlement has been arrived at voluntarily, without any coercion, pressure or undue influence. Respondent nos. 2 and have unequivocally expressed their desire not to pursue the criminal proceedings any further. 9. Having regard to the nature and circumstances of the dispute, the allegations levelled against the applicants, the rival submissions advanced by learned counsel, and the settlement arrived at between the parties, this Court has considered whether continuation of the criminal proceedings would serve the ends of justice or whether exercise of the inherent jurisdiction vested in this Court under Section 528 of the BNSS is warranted. 10. In Gian Singh v. State of Punjab, (2012) 10 SCC 303; Narinder Singh v. State of Punjab, (2014) 6 SCC 466; and State of Madhya Pradesh v. Laxmi Narayan, (2019) 5 SCC 688, the Hon’ble Supreme Court has elucidated the principles governing the exercise of inherent jurisdiction for quashing criminal proceedings on the basis of a compromise between the parties. The Court, while exercising such jurisdiction, must consider the nature and gravity of the offences, the circumstances in which the dispute arose, the impact of the alleged offences on society, and whether quashing the proceedings would secure the ends of justice. It is also well settled that the inherent jurisdiction of the Court is distinct from the power to compound offences and may be exercised in appropriate cases involving non-compoundable offences, subject to the settled principles of law. 11. In view of the aforesaid legal position, the allegations contained in the FIR and the charge-sheet, the submissions advanced on behalf of the applicants, and the settlement

stated to have been arrived at between the parties, this Court is required to independently assess whether the present case warrants exercise of its inherent jurisdiction. The mere fact that the parties have entered into a compromise or that the complainants are no longer interested in pursuing the proceedings cannot, by itself, constitute sufficient ground for quashing proceedings involving serious offences, particularly those under the POCSO Act.

12. Accordingly, the compounding application, being I.A. No. 01 of 2025, is disposed of in terms of the settlement arrived at between the parties. In exercise of the inherent jurisdiction vested in this Court under Section 528 of the BNSS, the charge-sheet dated 02.04.2023, the cognizance/summoning order dated 11.04.2023, and the entire proceedings of Special Sessions Trial No. 395 of 2023, arising out of FIR No. 677 of 2022, State v. Mohd. Kasim and Others, for the offences punishable under Sections 354, 384, 506 and 420 of the Indian Penal Code, 1860, and Sections 16 and 17 of the Protection of Children from Sexual Offences Act, 2012, pending before the Court of the learned Fast Track Court/Additional Sessions Judge/Special Judge (POCSO Act), Rudrapur, District Udham Singh Nagar, are hereby quashed.

13. Accordingly, the present criminal miscellaneous application under Section 528 of the BNSS stands disposed of in the above terms.

14. Pending applications, if any, also stand disposed of.

(Alok Mahra, J.)
28-10-2026

SHIKSHA