HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Criminal No. 2079 of 2026

05 November, 2026

Nazim Ali Alias Nazim and others --Petitioners

Versus

State Of Uttarakhand and others --Respondents

Presence:-

Mr. M.K.Ray, learned counsel for petitioners.
Mr. Tumul Nainwal, learned A.G.A. for the State of Uttarakhand/ respondent Nos.1 and 2.
Mr. Vikas Anand, learned counsel for respondent Nos.3.

Hon'ble Pankaj Purohit, J.

Heard learned Counsel for the parties.

2. By means of the present writ petition, petitioners have put to challenge the First Information Report No. 289 of 2026 dated 28.09.2026, for the offences punishable under Sections 109(1), 115(2), 191(1), 117(2), 309(4), 324(2), 351(3) and 352 of BNS 2023, registered with Police Station Gadarpur, District Udham Singh Nagar, in view of the compromise entered into between the parties.

3. Along with present criminal writ petition, a joint compounding application (IA/2/2026) is filed which is duly supported by separate affidavits of petitioners and respondent No.3.

4. In the compounding application, it has been stated by the parties that the parties have reached to the terms of compromise wherefor a settlement has also reached between them. It is thus, prayed that the present first information report be quashed in terms of the compromise arrived at between the parties.

5. Petitioners-Nazim Ali @ Nazim, Asif Ali @ Asif,

Abdul Rehman, Mohd. Naeem @ Naeem, Mohd. Sakib@ Sakib (injured), and respondent no.3-Brijesh Thakur (informant) are present before this Court being duly identified by their respective counsel. Jugraj Singh @ Yuvraj Singh and Adesh Thakur, who are also injured, are in jail. On interaction, respondent No.3 stated that they are of the same adjoining places and do not want to prosecute the above case against the petitioners in view of the amicable settlement arrived between them. They fairly conceded that they have no objection if compounding application is allowed.

6. Affidavits of Jugraj Singh @ Yuvraj Singh and Aadesh Thakur, who are injured in the incident and lodged in jail, are filed before this Court. From the reading of the affidavits, it also transcribes that the victims are ready to compound the matter and they do not want to proceed further with the first information report and they want to live with peace, since both the parties are resident of the adjoining places.

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

8. Learned counsel for the petitioners relied upon a judgment rendered by Hon'ble Supreme Court in the case of ***Jaiveer Malik & Another Vs. The State of Delhi*** passed in ***Criminal Appeal Nos.864-866 of 2024***, wherein, the proceedings arising out of FIR No.223 of 2016 were set aside, which too were registered under Section 307 of IPC, taking recourse of *Yogendra Yadav* case as noted below.

9. Hon'ble Supreme Court in the case of ***Yogendra Yadav and Others Vs. State of Jharkhand***

and Another reported in ***(2014) 9 SCC 653***, in Para 4 it has been observed as under:

> *"4. Now, the question before this Court is whether this Court can compound the offences under Sections 326 and 307 of the IPC which are non-compoundable. Needless to say that offences which are non-compoundable cannot be compounded by the court. Courts draw the power of compounding offences from Section 320 of the Code. The said provision has to be strictly followed (Gian Singh v. State of Punjab) (2012) 10 SCC 303. However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under Section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable. In which cases the High Court can exercise its discretion to quash the proceedings will depend on facts and circumstances of each case. Offences which involve moral turpitude, grave offences like rape, murder etc. cannot be effaced by quashing the proceedings because that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such offences are quashed, it may send wrong signal to the society. However, when the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquility and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace."*

10. The Hon'ble Supreme Court opined that 'if Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquility and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace'.

11. Having considered the submissions made by

learned counsel for the parties and the principle enunciated by the Hon'ble Supreme Court in the case of ***Yogendra Yadav (Supra),*** which is reiterated in ***Jaiveer Malik (Supra)***, this Court is of the opinion that since the parties have reached to the terms of the compromise, 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.

12. Accordingly, compounding application (IA/2/2026) is hereby allowed. The compromise arrived at between the parties is accepted. The First Information Report No. 289 of 2026 dated 28.09.2026, for the offences punishable under Sections 109(1), 115(2), 191(1), 117(2), 309(4), 324(2), 351(3) and 352 of BNS 2023, registered with Police Station Gadarpur, District Udham Singh Nagar, is hereby quashed *qua* the petitioners. Consequently, all the subsequent proceedings pursuant to the impugned FIR automatically shall come to an end *qua* the petitioners with the aforesaid condition.

13. The present criminal writ petition stands allowed accordingly.

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

(Pankaj Purohit, J.)
05.11.2026

Nahid