SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			UKHC010187052026 **C528/2302/2026** Mayank And Anr --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Tejas Agarwal and Mr. Arvind Kumar, Advocates for the applicants. 2. Mr. Pradeep Lohani, A.G.A. for the State. 3. Ms. Suman Karki, Advocate for respondent nos. 2 and 3. 4. The present criminal misc. application is filed with a prayer to set-aside the chargesheet, summoning/cognizance order as well as the entire proceedings of Session Trial No. 17 of 2026, under Sections 109, 3(5) and 351(2) of BNS, pending in the court of learned Addl. Sessions Judge, Kotdwar, District Pauri Garhwal, on the basis of compromise between the parties. 5. In this case, an FIR was lodged by mother of Rahul, who was the injured, in which, after investigation, chargesheet/ final report was filed under Sections 109, 3(5) and 351(2) of BNS. As per the prosecution story, scuffle took place between the applicants and the injured in a Fair (*Mela*) and the injured suffered grievous injuries on his head. Medical examination of the injured was

			conducted, whereby, incised wound measuring 6 X 1 X 1 cm on forehead, superficial incised wound measuring 3 X 0.5 X 0.5 cm on chest were found. 6. Now, Compounding Application is filed in the matter wherein it is prayed to compound the offences between the parties. 7. Learned counsel for the applicants submits that the aforementioned injuries were not grievous in nature and furthermore there was no intention of the applicants to cause death of the injured, therefore, offence under Section 109 of BNS is not made out in the case. It is further submitted that the parties have amicably settled their dispute and have entered into a compromise. 8. Respondent nos. 2 and 3 are present before this Court through video conferencing and are duly identified by their respective counsel. Applicant nos. 1 and 2 are in jail and their father has filed the affidavit on behalf of them. Respondent nos. 2 and 3 have also filed their respective affidavits stating the facts of compromise between them. 9. The Court interacted with the parties. Upon interaction, it is submitted that now complainant has amicably settled her dispute with the applicants and she does not want to pursue with the criminal proceedings against the applicants. 10. At this stage, learned State Counsel raised a preliminary objection to the effect that the offences sought to be compounded are non-compoundable. 11. However, the Hon'ble Apex Court in the case of B.S. Joshi and others Vs. State of Haryana reported in (2003) 4 S.C.C., Page 675, has permitted compounding of non-

			compoundable offences with the permission of Court. 12. Furthermore, Hon'ble Supreme Court, in a catena of its judgments, has observed that in cases where because of the compromise arrived at between the parties, possibility of conviction is remote and bleak, the High Court may quash the criminal proceedings as continuation of the same would cause great prejudice and injustice to the accused. 13. Following the aforesaid ratio, the present compounding application is allowed. The offences between the parties are permitted to be compounded. As a result, the entire proceedings of Session Trial No. 17 of 2026, under Sections 109, 3(5) and 351(2) of BNS, pending in the court of learned Addl. Sessions Judge, Kotdwar, District Pauri Garhwal, are hereby quashed qua the applicants. 14. Applicants are in judicial custody. They shall be released from judicial custody forthwith, if not wanted in any other case. 15. Accordingly, the present criminal misc. application stands disposed of in the aforesaid terms. **(Alok Mahra J.)** 29.10.2026 Ujjwal
