HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Criminal No. 2174 of 2026

28 October, 2026

Anil Kumar

--Petitioner

Versus

1: State Of Uttarakhand
2: Station House Officer
3: Sapan Sarkar
4: Sukesh Sarkar

--Respondents

Presence:-

Ms. Rajni Rangwal, learned counsel for petitioner.
Mrs. Rangoli Purohit, learned A.G.A. for the State of Uttarakhand/respondent No.1.
Mr. Ankush Singhal, learned counsel for respondent Nos.3 and 4.

Hon'ble Pankaj Purohit, J.

Heard learned Counsel for the parties.

2. By means of the present writ petition, petitioner has put to challenge the First Information Report No.273 of 2026 dated 28.08.2026, under Section 109(1) of BNS 2023, registered with Police Station Transit Camp, 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/1/2026) is filed and signed duly supported by separate affidavits by petitioner, respondent Nos.3 and 4.

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. Petitioner- Anil Kumar is in jail, who has annexed his authority letter and his wife- Savitri Devi has represented him, respondent no.3- Sapan Kumar and respondent No.4-Sukesh Kumar are present before this Court being duly identified by their respective counsel. On interaction, respondent Nos.3 and 4 stated that they do not want to prosecute the above case against the petitioner in view of the amicable settlement arrived between them. They fairly conceded that they have no objection if compounding application is allowed.

6. Learned State Counsel raised a preliminary objection to the effect that the offence sought to be compounded is non-compoundable.

7. Learned counsel for the petitioner 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 FIRNo.223 of 2016 were set aside, which too were registered under Section 307 of IPC[109 (1) of BNS, 2023], taking recourse of *Yogendra Yadav* case as noted below.

8. 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."

9. The Hon'ble Supreme Court is of the view 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'.

10. 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.

11. Accordingly, compounding application (IA/1/2026) is hereby allowed. The compromise arrived at between the parties is accepted. The First Information Report No. 273 of 2026 dated 28.08.2026, under Section 109(1) of BNS 2023, registered with Police Station Transit Camp, District Udham Singh Nagar, is hereby quashed qua the petitioner-Anil Kumar. Consequently, all the subsequent proceedings pursuant to the impugned FIR automatically shall come to an end qua the petitioner-Anil Kumar.

12. Since, the petitioner-Anil Kumar is in jail and the impugned FIR having been quashed qua the petitioner-Anil Kumar, it is provided that the petitioner-Anil Kumar shall be released immediately from jail pursuant to aforesaid FIR, if not warranted in any other case.

13. Present criminal writ petition stands allowed accordingly.

(Pankaj Purohit, J.)
28.10.2026

Nahid