HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Criminal No. 2276 of 2026

05 November, 2026

Himanshu Shekhar

--Petitioner

Versus

State Of Uttarakhand
2: Geeta

--Respondents

Presence:-

Mr. Rakshit Joshi, learned counsel for petitioners.
Mr. Bhaskar Chandra Joshi, learned A.G.A. with Mr. Vijay Khandoori, learned Brief for the State of Uttarakhand/respondent No.1.
Mr. Shakti Singh, learned counsel for respondent No.2.

Hon'ble Pankaj Purohit, J.

By means of the present writ petition, petitioner has put to challenge the First Information Report No.0442 of 2026 dated 05.10.2026, for the offences punishable under Section 69 of BNS 2023, registered with Police Station Kashipur, District Udham Singh Nagar, in view of the compromise entered into between the parties.

2. Along with present criminal writ petition, a joint compounding application (IA/1/2026) is filed and signed duly supported by separate affidavits by petitioner and respondent No.2.

3. In the compounding application, it has been stated by the parties that the parties have reached to the terms of compromise through the intervention of respected members of society and after mutual discussion, 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.

4. Petitioner-Himanshu Shekhar and respondent No.2-Geeta (informant) are present before this Court being duly identified by their respective counsel. On interaction, respondent No.2 submits that petitioner No.1 is already married to someone else and respondent No.2 is a widow and has two kids and both the parties agreed that no photograph, video, audio recording, message or other material concerning the other party shall be published, circulated or threatened to be circulated, in any form or medium and due to the intervention of respected members of society and after mutual discussion, now the matter has amicably settled between them, thus, she does not want to prosecute the above case against the petitioner in view of the amicable settlement arrived at between them. She fairly conceded that she has no objection if compounding application is allowed.

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

6. So far as compounding of non-compoundable offence is concerned, the Apex Court has dealt with the consequence of a compromise in this regard in the case of ***B.S. Joshi and others vs. State of Haryana and another***, reported in **(2003) 4 SCC 675** and has held as below: -

> *"If for the purpose of securing the ends of justice, quashing of FIR becomes necessary, Section 320 Cr.P.C. would not be a bar to the exercise of power of quashing. It is, however, a different matter depending upon the facts and circumstances of each case whether to exercise or not such a power."*

7. Thus, the High Court, in exercise of its extraordinary power can quash criminal proceedings or FIR or complaint, and Section 320 of Cr.P.C. does not limit or affect the powers under Article 226 of the Constitution of India.

8. Learned counsel for the parties also drew the attention of this Court towards the ruling of ***Gian Singh v. State of Punjab and another***, **(2013) 1 SCC (Cri) 160**, in which Hon'ble Supreme Court observed as below:

> *"The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. ..... In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."*

9. Since the parties have reached to the terms of the compromise, this Court is of the firm opinion that there would remain a remote or bleak possibility of conviction in these cases. 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 these cases fit to permit the parties to compound the matter.

10. Accordingly, compounding application (IA/1/ 2026) is hereby allowed. The compromise arrived at between the parties is accepted. The First Information Report No.0442 of 2026 dated 05.10.2026, for the offences punishable under Section 69 of BNS 2023, registered with Police Station Kashipur, District Udham Singh Nagar, is hereby quashed subject to payment of ₹1,00,000/- (Rupees One Lakh only) by the petitioner to respondent No.2, simply for the reason of wasting public time of investigating agency and to act as deterrent against the petitioner in future for venturing such a dare devil act/offence. Consequently, all the subsequent proceedings pursuant to the impugned FIR automatically shall come to an end *qua* the petitioner with the aforesaid condition.

12. In view of the above, the criminal writ petition is allowed.

(Pankaj Purohit, J.)
05.11.2026

Nahid