2026:UHC:10736

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Criminal No.2293 of 2026

23rd November, 2026

Naveen Lamba and others .....Petitioners

Versus

State of Uttarakhand and others .....Respondents

Presence:-
Mr. Pawan Mishra, learned counsel for the petitioners.
Mr. Tumul Nainwal, learned A.G.A. for the State.
Ms. Rajni Rangwal, learned counsel for respondent no.3.

Hon'ble Pankaj Purohit, J.

By means of the present writ petition, petitioners have put to challenge the FIR No.0391 of 2025 dated 14.08.2025, under Sections 3/4 of Dowry Prohibition Act, 1961 and Sections 115(2), 351(2) and 352 of B.N.S. 2023 registered at Police Station-Rishikesh, District-Dehradun, on the basis of the compromise entered into between the parties.

2. A joint compounding application along with present criminal writ petition, signed by all the petitioners and respondent no.3 has been filed, which is duly supported by separate affidavits of the parties.

3. The parties are present before this Court duly identified by their respective Counsel. Upon interaction with respondent no. 3-informant (wife), she submits that she and petitioner no.1-husband (Naveen Lamba) have entered into a compromise, pursuant to which they filed a petition for mutual divorce on 08.04.2026 before the learned Additional Family Judge, Rishikesh, Dehradun, which was registered as Mutual Divorce Case No.92 of 2026, *Smt. Parul Rajpal and Shri Naveen Lamba*. Both

husband and wife have informed this Court that the matter has been taken up by the learned Family Judge and that the second motion shall be fixed after the parties withdraw the criminal proceedings pending between them.

4. Respondent no. 3-informant (Parul Rajpal) further submits before this Court that a sum of ₹30,00,000/- was agreed to be paid by the petitioner-husband to respondent no.3-informant towards permanent alimony for herself and her son. Out of the said amount of ₹30,00,000/-, a sum of ₹14,00,000/- has already been paid to her, while a demand draft for the remaining amount of ₹16,00,000/- has been deposited before the Court of the learned Additional Family Judge, Rishikesh, Dehradun.

5. Petitioners and respondent no.3 submits that now the parties have decided to solve the matter amicably and therefore they want this prosecution to come to an end.

6. Learned counsel for the State raised a preliminary objection to the effect that Section 3/4 of Dowry Prohibition Act, 1961 is non-compoundable, therefore there is some reservation of the State to get the matter quashed on the ground of agreement between the parties.

7. 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."

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. Having considered the submissions made by learned counsel for the parties and looking to the fact that 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.

10. Compounding Application (IA No.1 of 2026) is allowed.

11. Accordingly, writ petition stands allowed. The impugned FIR No.0391 of 2025 dated 14.08.2025, under Sections 3/4 of Dowry Prohibition Act, 1961 and Sections 115(2), 351(2) and 352 of B.N.S. 2023 registered at Police Station-Rishikesh, District-Dehradun is hereby quashed. All subsequent proceedings, pursuant to impugned F.I.R., against the petitioners also stand quashed.

(Pankaj Purohit, J.)
23.11.2026

SK
SHUBHAM KAPRUWAN