HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Criminal No. 2318 of 2026

Amzad and Ors

--Petitioners

Versus

1. State Of Uttarakhand
2: Station House Officer
3: Sahil

--Respondent

Presence:-

Mr. Mohd. Safdar, learned counsel for petitioners.
Ms. Sweta, learned Brief Holder for the State of Uttarakhand/respondent Nos.1 and 2.
Mr. Kamaluddin, learned counsel for respondent No.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. 0539 of 2026 dated 06.11.2026, for the offences punishable under Sections 115(2), 126(2), 190, 191(2), 351(3) and 352 of BNS 2023, registered with Police Station Pathri, District Haridwar, 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 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-Amzad, Suleman, Usman, Jabbar @ Manu, Gufran and Sufiyan, and respondent no.3-Sahil are present before this Court being duly identified by their respective counsel. On interaction, respondent No.3 stated that he does 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. Learned State Counsel raised a preliminary objection to the effect that the offences sought to be compounded are non-compoundable.

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. 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.

9. 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."*

10. 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 this case fit 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 0539 of 2026 dated 06.11.2026, for the offences punishable under Sections 115(2), 126(2), 190, 191(2), 351(3) and 352 of BNS 2023, registered with Police Station Pathri, District Haridwar, is hereby quashed. Consequently, all the subsequent proceedings pursuant to the impugned FIR automatically shall come to an end with the aforesaid condition.

12. The present criminal writ petition stands allowed accordingly.

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

(Pankaj Purohit, J.)
19.11.2026

Nahid