



2026:UHC:4489

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE RAKESH THAPLIYAL

04rd June, 2026

CRIMINAL MISC. APPLICATION NO. 1091 of 2026

Ravi Kumar and Others Petitioners

Versus

State of Uttarakhand and Others Respondents

Counsel for the Petitioners : Mr. Mohd. Safdar, Advocate.

Counsel for the State : Mr. Pratiroop Pande, A.G.A with
Mr. Chitrarth Kandpal, Brief Holder.

Counsel for the private respondents : Mr. Faizan Ali, Advocate holding brief
of Mr. Kamaluddin, Advocate.

WITH

CRIMINAL MISC. APPLICATION NO. 1098 of 2026

Soni and Others Petitioners

Versus

State of Uttarakhand and Others Respondents

Counsel for the Petitioners : Mr. Faizan Ali, Advocate holding brief
of Mr. Kamaluddin, Advocate.

Counsel for the State : Mr. Pratiroop Pande, A.G.A with
Mr. Chitrarth Kandpal, Brief Holder.

Counsel for the private respondents : Mr. Mohd. Safdar, Advocate.

Hon'ble Rakesh Thapliyal, J.

1. These two Applications under Section 528 of the BNSS, 2023 are filed challenging the proceedings arising out of the two FIRs lodged on the same day, i.e. 26.07.2022 in the same Police Station, i.e. Police Station Manglaur, District Haridwar. The first one is the FIR No. 0753 of 2022 and the another one is FIR No. 0754 of 2022.

2. Both these FIRs relates to the same incident and it appears that FIR No. 0754 of 2022 is the counterblast to the FIR No. 0753 of 2022.

3. On perusal of the FIRs, it reveals that the FIR No. 0753 of 2022 was lodged at 8:00 p.m. in the night and the subsequent FIR No. 0754 of 2022 was lodged at about 9:30 p.m. and there is a difference of about 1 hr. 30 minutes. In FIR No. 0753 of 2022, charge-sheet was filed for the offences punishable under Sections 147, 148, 149, 323, 308, 452, 504 and Section 506 of the IPC wherein, the trial court took cognizance on 21.02.2022. So far as the FIR No. 0754 of 2022 is concerned, in this FIR charge-sheet was filed for the offences punishable under Sections 147, 148, 149 and Section 323 of the IPC and the trial court took cognizance on 03.06.2024.

4. Now, in both these two applications, the compounding applications have been moved with the affidavits of all the persons who are charge-sheeted in both the FIR, i.e. FIR No. 0753 of 2022 and FIR No. 0754 of 2022 and the victim / injured and the informant have also filed their affidavits. All are present in Court and are identified by their respective counsel Mr. Mohd. Safdar, Advocate and Mr. Faizan Ali, Advocate.

5. It is contended in the Compounding Applications that all these persons who are charge-sheeted in both the charge-sheets as well as the victim/injured and informant are from the same village, namely, Village Bijholi, Police Station

Manglaur, District Haridwar and this untoward incident was happened and now subsequently, they have settled their disputes. It is also submitted that all the injuries sustained by the injured were not danger to the life and furthermore all the offences in both the charge-sheets are punishable for less than seven years.

6. The informant and the injured / victim are also present in the Court and they submits that they do not want to proceed with the trial since now they are living happily and their relations are very cordial and submits that in future also such untoward incident shall never be happened.

7. On the other side, Mr. Pratiroop Pandey, learned A.G.A with Mr.Chitrarth Kandpal, learned Brief Holder for the State submits that some of the penal provisions are not compoundable but with the leave of the Court, the same can be compounded otherwise the trial would be a futile exercise since now the informant and the victim/injured do not want to pursue with the trial.

8. It is argued by the learned counsel for the parties that in the recent judgment of the Hon'ble Apex Court in the case of State of M.P. Vs. Laxmi Narayan, 2019 (5) SCC 688, certain guidelines have been formulated, which are as under :-

12. Now so far as the conflict between the decisions of this Court in the cases of Narinder Singh (supra) and Shambhu Kewat (supra) is concerned, in the case of Shambhu Kewat (supra), this Court has noted the difference between the power of compounding of offences conferred on a court under Section 320 Cr.P.C. and the powers conferred under Section 482 Cr.P.C. for quashing of criminal proceedings by the High Court. In the said decision, this Court further observed that in compounding the offences, the power of a

criminal court is circumscribed by the provisions contained in Section 320 Cr.P.C. and the court is guided solely and squarely thereby, while, on the other hand, the formation of opinion by the High Court for quashing a criminal proceedings or criminal complaint under Section 482 Cr.P.C. is guided by the material on record as to whether ends of justice would justify such exercise of power, although ultimate consequence may be acquittal or dismissal of indictment. However, in the subsequent decision in the case of Narinder Singh (supra), the very Bench ultimately concluded in paragraph 29 as under:

"29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves.

However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

- (i) ends of justice, or*
- (ii) to prevent abuse of the process of any court.*

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives. 29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender. 29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves. 29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and

prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

29.6. Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used, etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already

been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime."

9. After hearing the arguments of the leaned counsel for the parties and after gone through with the statement as given in the compounding applications, and the fact that their relations are very cordial and taking into consideration that the informant as well as the victim / injured are also not intending to pursue with the trial, this Court is of the view that in view of the law laid down by the Apex Court in the case of State of M.P. Vs. Laxmi Narayan (Supra), there is no useful purpose to continue with the trial.

10. Consequently, both these Applications preferred under Section 528 of the BNSS and the compounding applications are allowed. The entire proceedings of Sessions Trial No. 73 of 2023 arising out of Case Crime No.753 of 2022 as well as the proceeding of Criminal Case No. 1226 of 2024 arising out of Case Crime No. 754 of 2022 are also hereby quashed.

11. All the parties, who are present in Court undertakes that they will plant 200 trees in their village, which are prohibited to be cut down pursuant to the notification of the Central Government dated 6th September, 2024. The concerned local officials of the Horticulture Department shall provided 200 trees to the Gram Pradhan of the said village and the Gram Pradhan shall ensure that all these persons shall plant the trees and will also maintain the same.

12. Registry is directed to send the copy of this order to the concerned Horticulture Department as well as to the concerned SHO for necessary compliance.

RAKESH THAPLIYAL, J.

Date: 04.06.2026
Shiv/