

(2025) 02 UK CK 0046

Uttarakhand High Court

Case No: Criminal Miscellaneous Application (u/s 528) No. 105 Of 2025

Nishan Singh And Ors.

APPELLANT

Vs

State Of Uttarakhand
And Others

RESPONDENT

Date of Decision: Feb. 14, 2025

Acts Referred:

- Bharatiya Nyay Sanhita, 2023 - Section 115, 117(2), 332(c), 351(2), 352

Hon'ble Judges: Pankaj Purohit, J

Bench: Single Bench

Advocate: Mani Kumar, Bhaskar Chandra Joshi, Sweta Badola Dobhal, Kishore Rai

Final Decision: Disposed Of

Judgement

Pankaj Purohit, J

1. Heard learned counsel for the parties.

2. By means of the present C528 application, the applicants have put to challenge summoning/ cognizance order dated 20.09.2024 passed by the

learned Chief Judicial Magistrate, Rudrapur, District Udham Singh Nagar in Criminal Case No.3160 of 2024 State of Uttarakhand Vs. Nishan Singh

and Others, under Sections 115, 117(2), 332(c), 351(2) and 352 of B.N.S. 2023 along with charge-sheet dated 22.08.2024 filed pursuant to the FIR

No.355 of 2024 dated 10.07.2024 registered at P.S. Rudrapur, District Udham Singh Nagar as well as the entire proceedings of the aforesaid criminal

case.

3. Along with the present C528 application, a joint compounding application (IA/1/2025) is filed duly supported by separate affidavits by applicants and respondent Nos.2 & 3.

4. In the compounding application, it has been stated by the parties that they have mutually agreed to settle their disputes full & final and the respondent Nos.2 and 3 do not want to pursue with the case anymore.

5. Applicants-Nishan Singh, Gurdev Singh, Sukhdev Singh and respondent No.3-Gurmeet Kaur are present before this Court while respondent No.2-

Palvinder Singh could not appear before this Court, as he is not well, but he is present through V.C. Both the parties are duly identified by their

respective counsels. On interaction, respondent Nos.2 and 3 stated that they want to end the matter and after intervention of the family members and

respectable peoples of the society, they have decided to settle the matter full and final.

6. Learned counsel for the applicant submits that the parties are family members and now, when the matter is amicably settled by the parties after

intervention of the family members and respectable peoples of the society, it would be futile exercise to keep this matter pending.

7. Learned State Counsel and learned counsel for the respondent Nos.2 & 3 have no objection if the matter is compounded, as all the offences are compoundable.

8. Having considered the submission made by the learned counsel for the parties and on perusal of the compounding application as well as the

documents available on record, this Court is of the view that if the parties do not wish to pursue with the criminal proceedings anymore and they have

settled their dispute amicably, it would not be useful for referring the applicant to Court to face the trial and it would amount to a futile exercise. In

view of the compromise arrived at between the parties, nothing remains to be decided in the present matter.

9. Accordingly, compounding application (IA/1/2025) is allowed. The entire proceedings of Criminal Case No.3160 of 2024S state of Uttarakhand Vs.

Nishan Singh and Others, pending in the Court of learned Chief Judicial Magistrate, Rudrapur, District Udham Singh Nagar, is hereby quashed.

Resultantly, the charge-sheet dated 22.08.2024 filed pursuant to the FIR No.355 of 2024 dated 10.07.2024 registered at P.S. Rudrapur, District

Udham Singh Nagar as well as the FIR No.355 of 2024 dated 10.07.2024, stand quashed.

10. Accordingly, the present C528 application is disposed of in terms of the compromise.