

(2025) 12 UK CK 0048

Uttarakhand HC

Case No: Criminal Miscellaneous Application (u/s 528) No. 2146 Of 2025

Amit Satiya

APPELLANT

Vs

State Of Uttarakhand And
Another

RESPONDENT

Date of Decision: Dec. 3, 2025

Acts Referred:

- Indian Penal Code, 1860 - Section 323, 342, 498A, 504
- Dowry Prohibition Act, 1961 - Section 3, 4
- Code Of Criminal Procedure, 1973 - Section 320, 482
- Hindu Marriage Act, 1955 - Section 13B

Hon'ble Judges: Pankaj Purohit, J

Bench: Single Bench

Advocate: Vaibhav Singh Chauhan, Sweta Badola Dobhal, Prabhat Kandpal, Abhishek Joshi, Gopal Chaturvedi

Final Decision: Allowed

Judgement

Pankaj Purohit, J

1. By means of the present C528 application, the applicant has put to challenge the impugned FIR No.9 of 2024 dated 03.01.2024 under Sections 323, 342, 498A, 504 IPC and under Section 3/4 of the Dowry Prohibition Act, registered with P.S. Ranipur, District Haridwar; Charge Sheet No.01 of 2024 dated 24.03.2024 under Sections 323, 342, 498-A and 504 IPC; cognizance/ summoning order dated 22.06.2024 passed by learned First Judicial Magistrate, District Haridwar in Criminal Case No.797 of 2024 *State of Uttarakhand Vs. Amit Satiya*, under Sections 323, 342, 498-A and 504 IPC, as well as the entire proceedings of aforementioned criminal case, on the ground of compromise entered into between the parties.

2. Along with the present C528 application, a joint compounding application (IA/1/2025) is filed duly supported by separate affidavits by applicant and respondent No.2.

3. In the compounding application, it has been stated by the parties that the present matter is a matrimonial dispute and now both the parties have settled their dispute amicably and decided to live separately and for that they have filed a petition u/s 13B of the Hindu Marriage Act, 1955, which has been decreed vide order dated 18.10.2025 by the learned Principal Judge, Family Court, District Haridwar, thus, respondent No.2 does not want to pursue with the case anymore.

4. Applicant-Amit Satya and respondent No.2-Smt. Shikha Chandna, are present before this Court, who are duly identified by their respective counsel. On interaction, parties have submitted before this Court that they have entered into a settlement and the marriage between them has now been dissolved by way of a decree dated 18.10.2025 passed by learned Principal Judge, Family Court, Haridwar in Original Suit No.243 of 2025 *Amit Satya Vs. Smt. Shikha Chandna*. On interaction, respondent No.2-wife admitted that she has received the permanent alimony by way of full and final settlement of her claim i.e. Rs.28,50,000/- from applicant-husband and in view of the aforesaid settlement, she decided to put an end to the present litigation between the parties and does not want to prosecute the applicant in the aforesaid matter any further.

5. Learned State Counsel raised a preliminary objection to the effect that offences punishable under Section 498A are 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 inherent power can quash criminal proceedings or FIR or complaint, and Section 320 of Cr.P.C. does not limit or affect the powers under Section 482 of the Code of Criminal Procedure 1973 (Section 528 of BNSS).

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 and mutual divorce having been granted to the parties by the Court of Law, this Court is of the view that there is no useful purpose would be achieved by getting the litigation pending and to give direction to the parties to face the trial for such litigation, which ultimate resulted into nothing but acquittal.

10. In such view of the matter, compounding application (IA/1/2025) is allowed.

11. Accordingly, the present C528 application is allowed in terms of the compromise. The entire proceedings of Criminal Case No.797 of 2024 *State of Uttarakhand Vs. Amit Satiya*, under Sections 323, 342, 498-A and 504 IPC, pending in the Court of learned First Judicial Magistrate, District Haridwar, are hereby quashed. Resultantly, the Charge Sheet No.01 of 2024 dated 24.03.2024 under Sections 323, 342, 498-A and 504 IPC and FIR No.9 of 2024 dated 03.01.2024 under Sections 323, 342, 498A, 504 IPC and under Section 3/4 of the Dowry Prohibition Act, registered with P.S. Ranipur, District Haridwar, stand quashed *qua* the applicant.