



2026:UHC:2707

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>C528/685/2026</u></p> <p><u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Lalit Singh Sammal, learned counsel for the applicant.</p> <p>2. Mr. Prabhat Kandpal, learned A.G.A. for the State.</p> <p>3. Ms. Sarita Bisht, learned counsel for respondent nos.2 & 3/complainant.</p> <p>4. Present C-528 application has been preferred seeking quashing of the charge-sheet as well as the entire proceedings of Special Sessions Trial No. 83 of 2023, pending in the Court of learned Special Judge, POCSO/F.T.C./Additional District and Sessions Judge, Haldwani, District Nainital, arising out of F.I.R. No. 57 of 2023, registered under Sections 363, 366, 376(2)(n) I.P.C. and Sections 5(1)/6 of the Protection of Children from Sexual Offences Act, 2012.</p> <p>5. Learned counsel for the applicant would submit that respondent no. 2, who is the father of the victim, had initially lodged a missing report with respect to his minor daughter. It is further submitted that, as per the prosecution case itself, the victim returned to her home on 07.10.2023 of her own accord. Upon completion of investigation, the Investigating Officer submitted a charge-sheet against the present applicant, on the basis of which the learned trial court proceeded to take cognizance and summon the applicant.</p> <p>6. It is further submitted that the victim appeared before the concerned Magistrate and her statement under Section 164 Cr.P.C. was recorded, wherein she did not support the prosecution version and denied the allegations levelled against the</p>



applicant. Learned counsel also submits that at the time of lodging of the F.I.R., the victim was stated to be about 16 years of age.

7. It is also submitted that the applicant and respondent nos. 2 and 3, i.e., the complainant and the victim, have now amicably resolved their *inter se* dispute and have decided not to pursue the criminal proceedings any further. In support thereof, a joint compounding application being I.A. No. 1 of 2026 has been filed, duly supported by affidavits of the applicant as well as respondent nos. 2 and 3, wherein it has been categorically stated that the matter has been settled voluntarily and that they have no objection to the quashing of the proceedings.

8. The applicant as well as respondent nos. 2 and 3 are present in person before this Court and have been duly identified by their respective counsel. Upon interaction with the Court, respondent nos. 2 and 3 have affirmed the factum of compromise and have stated in unequivocal terms that the same has been entered into out of their own free will, without any coercion, undue influence or pressure, and that they do not wish to prosecute the applicant any further.

9. Learned State Counsel opposes the application on the ground that the allegations pertain to serious and heinous offences, which are non-compoundable in nature, particularly those under the POCSO Act. However, he fairly does not dispute the factum of compromise between the parties or the filing of the joint compounding application supported by their affidavits.

10. Heard learned counsel for the parties and perused the record.

11. The complainant and the victim are



present before this Court and have categorically stated that they do not wish to pursue the criminal proceedings any further. This Court is satisfied that the compromise arrived at between the parties is voluntary, genuine and free from any coercion or undue influence.

12. It is true that the offences alleged in the present case are non-compoundable in nature. However, it is well settled that the High Court, in exercise of its inherent jurisdiction under Section 482 Cr.P.C., can quash criminal proceedings even in respect of non-compoundable offences, where it is satisfied that the dispute is essentially private in nature and that continuation of the proceedings would amount to abuse of the process of the Court.

13. The Hon'ble Supreme Court in *Gian Singh v. State of Punjab* has held that the High Court may quash criminal proceedings in exercise of its inherent powers where the parties have amicably settled their dispute, provided that such quashing would secure the ends of justice. Similarly, in *Narinder Singh v. State of Punjab*, the Hon'ble Supreme Court has laid down the guiding principles for quashing of proceedings on the basis of compromise and has emphasized that the Court must assess whether continuation of proceedings would be futile and whether quashing would advance the cause of justice.

14. Further, in *Parbatbhai Aahir v. State of Gujarat*, it has been reiterated that the inherent power of the High Court under Section 482 Cr.P.C. is of wide amplitude and is to be exercised to prevent abuse of the process of the Court or to secure the ends of justice, depending upon the facts and circumstances of each case.



15. In the present case, having regard to the statement of the victim recorded under Section 164 Cr.P.C., wherein she has not supported the prosecution case, her presence before this Court, and her categorical statement that she does not wish to pursue the matter, this Court is of the considered opinion that the possibility of conviction is remote and bleak. Continuation of the criminal proceedings, therefore, would serve no useful purpose.

16. Considering the totality of the facts and circumstances of the case, as well as the law laid down by the Hon'ble Supreme Court in the aforesaid judgments, this Court finds it to be a fit case for exercising its inherent jurisdiction under Section 482 Cr.P.C. to secure the ends of justice.

17. Accordingly, the compounding application (I.A. No. 1 of 2026) is allowed. Consequently, the charge-sheet as well as the entire proceedings of Special Sessions Trial No. 83 of 2023, pending in the Court of learned Special Judge, POCSO /F.T.C./Additional District and Sessions Judge, Haldwani, District Nainital, arising out of F.I.R. No. 57 of 2023, registered under Sections 363, 366, 376(2)(n) I.P.C. and Sections 5(1)/6 of the Protection of Children from Sexual Offences Act, 2012, are hereby quashed.

18. The present C-528 application is, accordingly, allowed.

19. Pending applications, if any, stand disposed of.

(Alok Mahra J.)

16.04.2026