

Sl. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>IA No.01 of 2023 (Compounding Application) In C482 No.333 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u></p> <p>Mr. Karan Singh Dugtal, Advocate holding brief of Mr. M.K. Ray, Advocate, for the applicant.</p> <p>Mr. T.C. Agarwal, D.A.G. for the State of Uttarakhand/1.</p> <p>Mr. Vinay Singh Chauhan, Advocate, for the respondent no.2.</p> <p>The complainant/respondent no.2, through her husband has registered the FIR No.31 of 2017, dated 06.10.2016, as against the present named accused person for his alleged involvement in commission of the offences under sections 376, 328 and 506 of IPC, and under section 67 of Information Technology Act.</p> <p>The matter was put to investigation, and the Investigating Officer has submitted the Chargesheet No.168 of 2017, dated 14.06.2017, wherein, the Investigating Officer found himself to be difficult to establish the offence under section 376 of IPC, because of the fact that the respondent no.2, wife of the complainant, has turned hostile.</p> <p>But, however, so far as the alleged commission of the offences with regards to making of the videos, and attempt to make it viral was found to be established under section 67 of</p>

			<p>the IT Act.</p> <p>The learned trial court of Judicial Magistrate, 1st class, Rudrapur, District Udham Singh Nagar, had taken the cognizance to the offence by an order dated 23.10.2017, whereby the present applicant has been summoned.</p> <p>The C482 application has been preferred for quashing the Chargesheet dated 14.06.2017, and the cognizance order dated 23.10.2017, as well as prayer has also been made for quashing of the proceedings of the Criminal Case No.5537 of 2017, “State Vs. Bablu Dutta”, whereby he has been summoned to be tried now only under section 67 of the Information Technology Act.</p> <p>During the course of interaction between the parties, who are present in person and duly identified by their respective counsels, the applicant admits the commission of the offences as complaint of in the FIR, in fact, this admission itself disentitle the applicant to be granted any solace by this Court, but he is not a fit person, who should be permitted to live in the civilized society.</p> <p>But looking to the nature of the offences, which he has committed as against the respondent no.2, on the pretext of having friendly relationship with her, there has had to be piousness in the friendly relationship and in that respect a pure friendly relationship ought to be maintained by the applicant.</p> <p>Considering the fact that the offence under</p>
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		<p>section 67 of the Information Technology Act is compoundable under section 77A of the Information Technology Act, the said offence would stand compounded in terms of the compounding application, and particularly, in terms of the statement made by the respondent no.2, she prays for forgiveness of the present applicant, as he has prayed for before this Court too.</p> <p>Consequent to the statement, and looking to the effect of the proceedings of the Criminal Case No.5537 of 2017, “State Vs. Bablu Dutta”, pending consideration before the Judicial Magistrate, 1st Class, Rudrapur, District Udham Singh Nagar, would hereby stand dropped. The C482 application would stand allowed.</p> <p>But considering the fact, that it is absolutely an immoral act on the part of the applicant, which has been committed upon the respondent no.2, the composition of the offence would be subject to the payment of compensation to be given to the respondent no.2, by the applicant of a sum of Rs.50,000/-, within a period of one month from today.</p> <p>In case, if the said condition is not complied with by the applicant, the order of the composition of the offences, as rendered today, in the present C482 application, would not be given effect too by the court of Judicial Magistrate, 1st Class, Rudrapur, District Udham Singh Nagar.</p> <p>Subject to the aforesaid, the C482</p>
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