

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	<u>14.10.2022</u>		<p>C482 No. 468 of 2020</p> <p><u>Hon'ble Sharad Kumar Sharma, J.</u></p> <p>Mr. Veer Kunwar Singh, Advocate, for the applicant.</p> <p>Mrs. Mamta Joshi, Brief Holder, for the State.</p> <p>Mr. Mahesh Upreti, Advocate, for the respondent.</p> <p>The prayer, which has been sought by the applicant in the present C482 Application, is for quashing of the Chargesheet dated 29th May 2019, as well as the summoning order dated 19th September 2019, which has been rendered in Criminal Case No. 1085 of 2019, State Vs. Vikesh Kumar, whereby the present applicant has been summoned by the Court of Chief Judicial Magistrate, Bageshwar, district Bageshwar, for being tried for the offences under Sections 420 of IPC to be read with Section 66(C) and 66(D) of the Information Technology Act.</p> <p>The parties to the present C482 Application have filed their Compounding Application (CRMA/905/2020), which has been duly signed by them, as well as by their respective counsels, who have fortified the contents of the Compounding Application, coupled with the fact the complainant respondent No. 2, had joined the proceedings of present C482 Application through video-conferencing and he was</p>

		<p>recognised by his counsel, as to be the complainant i.e. respondent No. 2 herein.</p> <p>Upon being interacted by this Court, respondent No. 2 i.e. Mr. Jagdish Lal Chaudhary, has made a statement that whatsoever amount was reflected in the FIR to be made payable by the present applicant, on which the cognizance have been taken, the same has been remitted to him, as such, he doesn't want to prosecute the present applicant for the offences under Section 420 of IPC, to be read with Section 66(C) and 66(D) of the Information Technology Act. Apart from it, looking to the nature of offences, since they being personal in nature and they do not have any social implications as such, particularly, the objection which has been raised in the context of 2nd proviso to Section 77A, which grants the powers to compound the offences, provided under the Information Technology Act.</p> <p>The said objection taken by the learned Government Advocate about the impact of 2nd proviso to Section 77A is ruled out.</p> <p>The Compounding Application (CRMA/905/2020) is accepted. As a consequence thereto, since parties to the proceedings have entered into a settlement, as referred to in the Compounding Application and also, as stated by the complainant i.e. respondent No. 2 herein, upon being interacted by this Court, the present C482 Application would stand closed, and consequently, the proceedings of Criminal Case No. 1085 of 2019, State of</p>
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