

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>C-482 No.1964 of 2022 <u>Hon'ble Sharad Kumar Sharma, J.</u></p> <p>Mr. Mehboob Rahi, Advocate for the applicant.</p> <p>Mr. Atul Kumar Shah, Deputy Advocate General assisted by Mrs. Mamta Joshi and Ms. Sangeeta Bhardwaj, Brief Holder for the State of Uttarakhand.</p> <p>The respondent no.3 who is present in person before this Court is a complainant of an FIR being FIR No.293 of 2016, which he got registered, as against the present applicant for trying him for the offence under Sections 295(A), 504, 506 of IPC and Section 67 of Information and Technology Act.</p> <p>To the FIR, which was registered on 06.10.2016, the matter was investigated upon and the Investigating Officer, while submitting the Charge Sheet No.277 of 2017 dated 13.07.2017, had submitted the charge sheet against the present applicant for trying him for the offence under Sections 298, 504 and 500 of IPC and Section 67 of the Information Technology Act.</p> <p>It is on the submission of the charge sheet, that the cognizance has been taken by the Judicial Magistrate, Sitarganj, District Udham Singh Nagar by registering a Criminal Case No.33 of 2018, State vs. Ali Hasan, whereby the applicant has been summoned for being tried for the offence under Section 298, 504 and 506 of IPC and Section 67 of Information Technology Act.</p> <p>Later on, a better sense prevailed between the parties and the parties to the proceedings have filed their compounding application, which has been duly signed by them and has also been verified by their respective learned counsel appearing on their behalf. Apart from the fact, that the parties, who too have appeared in person before this Court particularly, the complainant has made a statement</p>

			<p>before this Court, that in view of the subsequent development and the grounds, which has been referred to in the compounding application, they have settled their scores and the complainant/respondent no.3 herein, does not intend to further prosecute the present applicant in relation to the offence for which the cognizance have been taken.</p> <p>The compounding application is being opposed by Government Advocate on the ground that the nature of offence, which has been complaint of in the FIR, is serious enough and no compounding application under Section 320 of Cr.P.C. should be considered by this Court. The offence on which the cognizance have been taken, the law provided under Section 320 of Cr.P.C. does not carve out any distinction, that if the offence on which the cognizance have been taken and if are included under Section 320 of Cr.P.C., the set of seriousness of allegations will in itself amount to oust the particular provisions from the ambit of Section 320 of Cr.P.C.</p> <p>In that eventuality, this argument extended by the learned Government Advocate, on the basis of an exclusive seriousness, which is being attached by the respondent no.1 to the provisions contained under Section 298 of IPC, is not acceptable by this Court.</p> <p>Owing to the fact that the parties have resolved their dispute and the complainant, do not want to further prosecute the applicant any further in Criminal Case No.33 of 2018 State vs. Ali Hasan, which is pending consideration before the court of Judicial Magistrate, Sitarganj, District Udham Singh Nagar, since the parties have already resolved their dispute, it will be a fruitless exercise to force them to participate in the proceedings of trial, which the complainant do not intend to proceed against the present applicant.</p> <p>Considering the fact that since all the offences are compoundable under Section 320 of Cr.P.C. and that the parties have resolved their dispute outside the Court, no fruitful purpose would be served to carry out the proceedings of Criminal Case No.33 of 2018, State vs. Ali Hasan pending</p>
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			<p>consideration before the Judicial Magistrate, Sitarganj, District Udham Singh Nagar.</p> <p>In view of the aforesaid, while quashing the proceedings of Criminal Case No.33 of 2018, State vs. Ali Hasan, the C-482 Application, too would stand disposed of in terms of the compounding order passed on an application preferred by the parties under Section 320 of Cr.P.C.</p> <p style="text-align: right;">(Sharad Kumar Sharma, J.) 03.01.2023</p> <p>Arti</p>
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