

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			C482 No.369 of 2020 With IA/4075/2023 (Compounding Application) <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Vipul Sharma, learned counsel for applicants. Mr. B.C. Joshi, learned Brief Holder for the State. Mr. Nivesh Bahuguna, learned counsel for respondent no.2. Respondent no.2/ complainant has registered an FIR, being FIR No.3 of 2013, by naming the accused persons to be involved in commission of offence under Section 420 of the IPC, on the ground, that the applicants have committed a fraud against the wife of the complainant by duping her falsely of taking Rs.2,25,000/- for the purpose of purchasing a flat. The matter was investigated upon and a chargesheet, being Chargesheet No.376 of 2013, dated 17.12.2013, was submitted by the Investigating Officer, on which the cognizance has been taken by the Court of the Chief Judicial Magistrate, Rudrapur, District Udham Singh Nagar, resulting into registration of a Criminal Case No.178 of

		2014, “State Vs. Arvinder Singh and others”, whereby they have been summoned by the Court of Chief Judicial Magistrate, Rudrapur, District Udham Singh Nagar, by an order of 13.01.2014, to be tried for an offence under Section 420 of the IPC. This C482 Application is accompanied with a compounding application, which has been duly signed by all the parties, including their respective counsels, who have verified the signatures of the applicants, who have filed the application and, particularly, in the context of the averments made by the complainant in paragraph no.4 of the compounding application, to the effect, that a settlement has taken place and, as a consequence thereto, the applicants have remitted an amount of Rs.6,66,666/- to respondent no.2 on 08.07.2013, and consequently, they have entered into a compromise of 08.06.2013. Owing to the aforesaid fact, the complainant/ respondent no.2 submits that he may not be having any grievances, if the proceedings of Criminal Case No.178 of 2014 is compounded, based upon the terms, as it has been referred to in the compounding application.
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		The complainant/ respondent no.2 has participated in the proceedings through video-conferencing and this Court has interacted with him. Upon interaction, it has been revealed that he too fortifies the grounds narrated in paragraph no.4 and 5 of the compounding application. He has made a statement, that in lieu of money, which was paid initially to the tune of Rs.2,25,000/- by wife of the complainant, the applicants have already returned the amount, as referred to hereinabove, based upon the terms of settlement of 08.06.2013.
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		Since the offence for which the criminal proceedings have been drawn by way of Criminal Case No.178 of 2014, "State Vs. Arvinder Singh and Others", is an offence under Section 420 of the IPC, which is compoundable under Section 320 of the Cr.P.C, the Government Advocate may not have any serious objection, as such, if the C482 Application itself is decided, based upon the terms of the compounding application, the facts of which stand admitted by the complainant.
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		Owing to the above, the C482 Application would stand disposed of and, as a consequence thereto, the proceedings of
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			Criminal Case No.178 of 2014, “State Vs. Arvinder Singh and Others”, as drawn against the present applicants for being tried for the offence under Section 420 of the IPC, pending consideration before the Court of Chief Judicial Magistrate, Rudrapur, District Udham Singh Nagar, would hereby stand quashed. (Sharad Kumar Sharma, J.) 11.09.2023 Sukhbant
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