

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.1504 of 2017 with C482 No.1506 of 2017 C482 No.636 of 2018 C482 No.1997 of 2019 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Gaurav Singh, Advocate, for the applicants. Mr. Sandeep Sharma, Brief Holder, for the State of Uttarakhand. Mr. Mukesh Rawat, Advocate, for the respondent/complainant. These are set of four C482 applications, all of them are listed for consideration of the compounding application as respectively preferred by the parties to the C482 applications. In all these C482 applications, the parties participating in the proceedings happen to be common, and all of them have participated in the proceedings through video conferencing. All the parties have been respectively identified by their counsels. Apart from that, this Court has also interacted with each of them, and all the parties have unanimously made a statement, that they would not be having any grievances as such, if the proceedings as involved consideration in all these C482 applications are considered and decided finally in the light of the provisions contained under section 320 of CrPC. For the purposes of brevity, each of the C482 applications, and the facts involved, therein, are being hereby precisely dealt with hereunder:- A. C482 No.1504 of 2017, "Smt. Rekha Devi and others Vs. State of Uttarakhand and another".

			A challenge has been given by the applicants is to the Criminal Case No.630 of 2017, “State Vs. Ajay @ Promil and others”, whereby, they have put a challenge to the proceedings under sections 498A, 377, 323, 504 and 506 of IPC and under section 34 of the DP Act, as it is pending consideration before the court of Judicial Magistrate, 1st, Roorkee, District Haridwar. In this C482 application, the parties have jointly filed the Compounding Application i.e. IA No.1929 of 2023, which has been filed under the joint signatures of their respective counsels, and upon being interacted, particularly, the interaction being made with the complainant, she has made a statement, that she may not be having any objection, as such, if the application preferred under section 320 of CrPC, is considered by this Court as per contents of compounding application, owing to the fact that subsequently, the parties have resolved to settle their dispute by instituting the proceedings under section 13B of the Hindu Marriage Act, and in pursuance to the aforesaid settlement, the proceedings under section 13B of the Hindu Marriage Act which was instituted by way of a Case No.695 of 2022, has already been preferred before the court of Additional Judge, Family Court, Roorkee, District Haridwar, in which the respondent had settled the dispute on the basis of the receipt of the permanent alimony to the tune of Rs.12,25,000/-. Upon interacting with the complainant/respondent no.2, herein, she has made a statement that since she has received the entire money of permanent alimony, and now no scores are left to be settled by any judicial adjudication, she is not having any objection in case if the proceedings of the Criminal Case No.630 of 2017, “State Vs. Ajay @ Promil and others”, is dropped in pursuance to the compounding application.
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			B. In C482 No.1506 of 2017, “Ajay @ Promil Tyagi Vs. State of Uttarakhand and others”. In fact are the proceedings of the Criminal Case No.630 of 2017, “State Vs. Ajay @ Promil and others”, which is being carried under consideration for the offences under sections 498A, 377, 323, 504 and 506 of IPC and under section 34 of the DP Act. In fact, it is the C482 application, which has been preferred exclusively by the husband in relation to the same criminal proceedings of the Criminal Case No.630 of 2017, “State Vs. Ajay @ Promil and others”, which was emanating from the common FIR, as it engage consideration in both the cases i.e. an FIR No.05 of 2017, dated 04.01.2017. This C482 application too is accompanied with an independent Compounding Application i.e. IA No.3872 of 2023, wherein, almost a similar facts has been reiterated by the parties under the joint signatures, which finds place on the compounding application settling their scores on the basis of the proceedings drawn under section 13B of the Hindu Marriage Act, for dissolving the marriage, as it was solemnized on 28.04.2016. C. C482 No.636 of 2018, “Smt. Rekha Devi and others Vs. State of Uttarakhand and others”. It engages consideration of the Criminal Case No.192 of 2018, “State Vs. Ajay and others”, being the proceedings which were drawn by respondent no.2, the complainant, herein, for the offences under sections 147, 323, 324, 354, 504 and 506 of IPC. As a result thereto, on which the present applicants have been summoned to be tried for the aforesaid offences by the court of Judicial Magistrate IInd Roorkee, District Haridwar. This C482 application too is
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			accompanied with the Compounding Application IA No.15611 of 2023. The compounding application, thus, preferred by the parties have been duly signed by them, and they have been identified by their respective counsels. Since the offences, which have been complained of in the said C482 application, happens to be distinct to the one as it engaged consideration in the above two C482 applications, the parties were interacted on the same, and they have once again reiterated the same stand as it has been taken by them in the earlier C482 application, that since now the dispute has been permanently resolved between the parties owing to the proceedings drawn under section 13B of the Hindu Marriage Act. Coupled with the fact that though the offences are distinct to the one to the other C482 applications, but since it was having the same genesis from the matrimonial dispute, they contend that the C482 application may be considered in the light of the terms of the compounding application and the grounds narrated, therein. The parties to this C482 application were also interacted by this Court in the presence of their respective counsels, who have identified them and they too have supported the fact that in case if the proceedings of the Criminal Case No.192 of 2018, “State Vs. Ajay and others”, pending consideration before the court of Judicial Magistrate IInd Roorkee, District Haridwar, is dropped, they may not be having any grievances, as such. D. C482 No.1997 of 2019, “Guru Dutt Tyagi and others Vs. State of Uttarakhand and another”. It emanates from the proceedings of the Criminal Complaint Case No.169 of 2017, “Ajay Tyagi Vs. Guru Dutt Tyagi and others”, being the proceedings drawn for the offences under sections 323, 504, 506 and 427 of IPC,
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			which are the proceedings at present pending consideration before the court of Judicial Magistrate, Roorkee, District Haridwar. In this C482 application too, the parties have filed the Compounding Application No.2833 of 2023, wherein, they too, have reiterated their stand as it has been taken in the compounding application that the entire controversy since it was absolutely purely a civil in nature due to the matrimonial misunderstanding, the complainant/respondent no.2, doesn't intends to proceed further with the proceedings of the Criminal Complaint Case No.169 of 2017, "Ajay Tyagi Vs. Guru Dutt Tyagi and others". Owing to the fact that though in the subsequent C482 application, there might be some of the offences which are not compoundable under section 320 of CrPC, but still in order to bring harmony amongst the family members of all these C482 applications, because primarily their entire dispute is circumscribed by the matrimonial dispute, which now stand settled in terms of the proceedings drawn under section 13B of the Hindu Marriage Act, no fruitful purpose would be solved to force the parties to the C482 application, to face the respective criminal trials, which are pending consideration before the respective courts, as detailed above. Thus, while exercising my inherent powers as accorded to this Court under section 482 of CrPC, this Court is of the opinion that this would be the one of the fittest case in which the Court should exercise its inherent powers to compound the offence in relation to those offences too, which are otherwise not compoundable under section 320 of CrPC. Owing to the facts as respectively narrated in the compounding application, owing to the fact of the statements recorded by the complainants of the respective C482 applications, and owing to the statement recorded by the applicants of the respective C482 applications, since all of them have
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			unanimously made a statement in the presence of the respective counsels to close the proceedings of the C482 applications, the proceedings of all these C482 applications would hereby stand dropped, and as a consequence of dropping of these proceedings. The proceedings of the Criminal Case No.630 of 2017, “State Vs. Ajay @ Promil and others”, as pending consideration before the court of Judicial Magistrate, 1st, Roorkee, District Haridwar. The Criminal Case No.192 of 2018, “State Vs. Ajay and others”, as pending consideration before the court of Judicial Magistrate IInd Roorkee, District Haridwar, and the Criminal Complaint Case No.169 of 2017, “Ajay Tyagi Vs. Guru Dutt Tyagi and others”, at presently pending consideration before the court of 2nd Judicial Magistrate, Roorkee, District Haridwar, would hereby stand quashed. (Sharad Kumar Sharma, J.) 22.09.2023 NR
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