

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	<u>22.09.2023</u>		C482 No. 808 of 2022 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Hemant Pant, Advocate, for the applicants. Mr. V.K. Gemini, Deputy Advocate General, for the State. Mr. Pawan Mishra, Advocate, for the respondent through video conferencing. The controversy in the instant C482 Application has its genesis from the so-called Gift Deed dated 10.03.2010, which was the basis of execution of the sale deed, which now happens to be a subject matter in the Civil Suit No. 186 of 2019, Mohd. Ishkar Vs.Tarun Baudai, where the sale deed thus executed, has been sought to be cancelled. Based upon the institution of the said Suit, the respondent, who had registered the FIR, being FIR No. 104 of 2016, for the offences under Sections 420, 120B, 504 and 506 of IPC, based on which the Chargesheet has been submitted and ultimately the summoning order has been issued on 21.01.2019, the same has been sought to be compounded by filing a Compounding Application (IA/1/2022), contending thereof that now since the parties have confined themselves to get their rights adjudicated in the civil suit, which is already pending consideration,

		the respondent Nos. 2 & 3, who are the signatories to Compounding Application, do not intend to prosecute the present applicants for the aforesaid offences, which is now a subject matter of Criminal Case No. 827 of 2019, State Vs. Vivekanand Baudai and others. As some of the offences, which are being sought to be compounded, they don't fall within the schedule provided under Section 320 of CrPC, the learned Government Advocate opposes the Compounding Application, contending thereof that since the offences do not fall under Section 320 of CrPC, they may not be compounded by exercising powers under Section 482 of CrPC. But, since the facts cannot be ignored to be considered, that as per the contents of the FIR, the interse dispute between the parties as against the 9 accused persons, it emanates from the civil dispute in relation to certain property being wrongfully sold which was subject matter of sale, the details of which has been given in the FIR itself. Since the complainant has contended that he has entered into a settlement with the present applicants only, qua the subject matter which finds reference in the FIR and as well as in the consequential Chargesheet No. 7 of 2019 as submitted on 15.01.2019, he contends that if the proceedings of Criminal Case No. 827 of 2019, State Vs. Vivekanand Baudai and others is dropped qua the present applicants only, he may not be having any
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		grievances as such against the present applicants, because of the fact as narrated in the Compounding Application, particularly to the terms of settlement which has been arrived at between them as well as the effect of the institution of the Civil Suit No. 186 of 2019. This Court has quite elaborately interacted with the complainant and he has made a statement that if the C482 Application is allowed qua the present applicants only, he will not be having any grievances as such because now the entire controversy is to be settled on the basis of the Civil Suit, which has already been instituted for cancellation of the sale deed. Owing to the aforesaid settlement as entered into between the parties and particularly, considering the plaint of the Suit No. 186 of 2019, as instituted before the Court of Civil Judge, Junior Division, Dehradun, this C482 Application is closed qua the present applicants only. Accordingly, so far as the proceedings of Criminal Case No. 827 of 2019, State Vs. Vivekanand Baudai and others is concerned, that would treated to have been quashed qua the present applicants only. It is clarified that this order may not be misconstrued that it will have any bearing with regard to the criminal proceedings being carried against the other co accused persons, if it is still pending consideration before the competent Court.
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			Subject to above, the C482 Application would stand closed and accordingly, the criminal proceeding of Criminal Case No. 827 of 2019, State Vs. Vivekanand Baudai and others would stand closed, qua the present applicants only. (Sharad Kumar Sharma, J.) 22.09.2023 Mahinder/
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