

Sl. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			IA No.01 of 2022 (Compounding Application) with C482 No.1321 of 2022 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Vikas Kumar Guglani, Advocate, for the applicants. Mrs. Lata Negi, Brief Holder, for the State of Uttarakhand. Mr. Mohit Kumar, Advocate, for the respondent. Precisely in the present C482 application, an FIR was registered by Shri Kuwar Jeet Singh, as against the named accused persons, therein, who are the applicants, herein, wherein it has been contended in the FIR, that the accused persons have fraudulently mortgaged the property of the complainant for the purposes of taking the loan from the Nainital Bank Limited, and as such, because of the fraudulent mortgage, it was contended, that they have committed the offence under sections 420, 467, 468 and 471 of IPC, because it was alleged in the FIR that the taking of loan advances, on the basis of the fraudulent document, will itself amount to be an offence under sections 420, 467, 468 and 471 of IPC, as it was the conspiracy,

			which was hatched by the applicants to dupe the present applicants of his property, which was projected as to be a property to be mortgaged for the advances of loan. The matter was investigated, and the Chargesheet No.38 of 2015, dated 30.07.2015, was submitted by the Investigating Officer, and ultimately, the summoning order was issued on 19.09.2015, by the court of Judicial Magistrate, Kashipur, District Udham Singh Nagar. In the present C482 application, subsequently the parties have filed the compounding application, contending thereof, that the parties have settled their dispute in terms of the composition grounds referred to in the compounding application, coupled with the fact, that they have submitted that the parties were under litigation in Original Suit No.282 of 2015, “Smt. Karmjeet Singh Vs. Gurdayal Singh and others”, in which too the compromise was submitted on 11.02.2021, and as a consequence of the settlement arrived at, the so-called sale deed of 01.11.2014, was agreed to be declared as to be null and void. Accordingly, the decree was rendered by the Civil Court on 31.03.2021, and the court of
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			Civil Judge, Junior Division, Rampur, has accordingly rendered a decree to the following effect:- आदेश पक्षकारो की ओर से समझौतानामा 61a1 स्वीकार किया जाता है। प्रस्तुत वाद उक्त समझौतानामा 61a1 में वर्णित शर्तों के आधार पर निर्णीत किया जाता है। उक्त समझौतानामा के प्रकाश में वादिनी एवं प्रतिवादीगण संख्या 1 ता 5 के मध्य हुए समझौतानामा के प्रकाश में वर्णित बैनामा दिनांक 01-11-2014 अकृत, शून्य व निष्प्रभावी घोषित किया जाता है। उक्त आदेश के अनुपालन हेतु आदेश की एक प्रति संबंधित उपनिबंधक कार्यालय स्वार रामपुर को प्रेषित की जाए। समझौतानामा डिक्री का भाग रहेगा। पक्षकार अपना अपना वाद व्यय स्वयं वहन करेंगे। पत्रावली बाद आवश्यक कार्यवाही अभिलेखागार दाखिल हो” It is contended by the learned counsel for the applicants that in pursuance to the settlement, based on which, the civil suit has been decided, the same has been recorded in
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		the revenue records and particularly in relation to the Khatuni pertaining 1432 to 1435 fasli year, and in Column No.9 and 12, the proceedings of the Suit No.282 of 2015 and the decree of 31.03.2021, has been referred to therein, observing that the sale deed dated 01.11.2014, has been declared as to be null and void. In the instant C482 application, the complainant Shri Kunwar Jeet Singh, is present in person, who has been identified by the counsels for the parties. Upon being interacted, the complainant has submitted that since they have settled their dispute, and the terms of the said settlement also finds reference in the decree, which was rendered by the trial court as recorded in the revenue records and thus he has submitted that he would not have any grievances as such, in case if the proceedings of the Criminal Case No.2887 of 2015, “State Vs. Kirti Singh and others”, pending consideration before the court of ACJM, Kashipur, District Udham Singh Nagar, is dropped. However, the compounding application is being opposed by the Government Advocate, who has filed an
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		objection to it, but in the objection which they have filed, there is no specific allegation pertaining to the propriety and the grounds of the compounding application, which has been raised by the respondent, questioning the compounding application and the settlement, which has been arrived at between the parties, except for the fact, that a very cursory statement has been made by the Government Advocate in paragraph 6, that the offences, which are being sought to be compounded are not compoundable, under section 320 of CrPC, as such, they have prayed, that the compounding application may be rejected, but the averments made in the other paragraphs do not touch the credibility of the compounding application or the effect of the judgment and decree of the civil court, as rendered by the civil court, nor any answer has been given to the said effect by the learned Government Advocate. Owing to the fact, that the parties have entered into a settlement, and which is a fact admitted by the parties to the C482 Application, who are present in person, who has been duly identified by their respective counsels, and more specifically, because of
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			the statements made by the complainant because he would not be having grievance against the application for composition. Since, he has stated before this Court that he has got no grievances, owing to the settlement which has been arrived at between them. The compounding application would stand allowed, and as a consequence thereto, the proceedings of the Criminal Case No.2887 of 2015, “State Vs. Kirti Singh and others”, pending consideration before the court of ACJM, Kashipur, District Udham Singh Nagar, would hereby stand quashed. (Sharad Kumar Sharma, J.) 17.08.2023 NR
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