

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 2023 (Compounding Application) With C482 No.1419 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. L.K. Tiwari, Advocate, for the applicant. Mr. V.K. Jemini, D.A.G., for the State of Uttarakhand No.1. Mr. P.C. Pethshali, Advocate, for the respondent No.2. An FIR No.183 of 2013, was registered on 05.10.2013, by Sri Kushal Pal Singh, the respondent no.2, herein, raising certain allegations with regards to the alleged agreement for sale dated 24.01.2007, for the purposes of sale of the property as described, therein, in the agreement for sale. Since there was a betrayal despite of their being registered agreement, and despite of having received the earnest money of Rupees Four Lakh. When the sale deed was not executed, the FIR was got registered on the ground that the accused person had sold the property lying in Khasara No.239Ka, having an area of 0.2870, hectares, by executing the fraudulent document and consequently, they have indulged themselves in commission of the offences under sections 420, 467, 468 and 471 of IPC.

			The matter was investigated, and the Chargesheet No.23 of 2014, dated 04.02.2014, was submitted by the Investigating Officer, on which the summoning order was issued on 08.05.2014, resulting into the registration of the Criminal Case No.1641 of 2014, “State Vs. Manoj Rana and another”. The composition has been sought that since, apart from the fact, that the dispute absolutely happens to be civil in nature, because there was a violation of the terms of the registered agreement for sale, and as a consequence thereto, the Original Suit No.41 of 2013, was instituted by the respondent no.2, herein, as against the present applicant, which was decided on the basis of the compromise paper no.80 ka (1), dated 01.08.2019. Consequently, the compromise decree was rendered on 01.08.2019. In the compounding application too the parties have come with a case that since apart from the fact that it was a civil dispute, they contend that since the matter has now been resolved, owing to the fact that the compromise decree has been rendered in the suit for specific performance. The complainant/ respondent no.2, no more intend to prosecute the present applicant any further, in relation to the proceedings of the Criminal Case No.1641 of 2014, “State Vs. Manoj Rana and another”.
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			Though, some of the offences are not compoundable, coupled with the fact that the Government Advocate has raised an objection, that in the FIR, the name of the other person, namely, Smt. Madhu Khanduri, finds reference against whom the FIR was registered who is not a party before this Court, but it is stated by the applicant present, in person that Smt. Madhu Khanduri, whose name finds reference in the FIR, has met with the sad demise. The said statement is taken on record. Since the parties have entered into a settlement, based on which their civil dispute has already been resolved, coupled with the fact that the controversy relates to the sale of the property based on the agreement for sale dated 24.01.2007, which has now been laid to rest by the judgment and decree as rendered by the civil court, no fruitful purpose would be solved to proceed with the criminal case <i>inter se</i> between the parties as it stood instituted before the court of Judicial Magistrate, Vikasnagar, District Dehradun. Owing to the aforesaid subsequent development and because of the resolvment of the controversy by virtue of the civil decree based on the compromise, which is also taken as to be the basis for the composition of the offences. The C482 application would stand
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			disposed of, and as a consequence thereto, the proceedings of the Criminal Case No.1641 of 2014, “State Vs. Manoj Rana and another”, would hereby stand quashed, in terms of the compounding application, and the statements recorded by the parties, who are present in person. (Sharad Kumar Sharma, J.) 21.08.2023 NR
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