

| SL. No | Date       | Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures | COURT'S OR JUDGES'S ORDERS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|        | 21.12.2023 |                                                                                                  | <p>C482 No. 1642 of 2023<br/> <u>Sri Rakesh Thapliyal, J.</u></p> <ol style="list-style-type: none"> <li>1. Mr. Basant Singh, learned counsel for the applicant.</li> <li>2. Mr. V.K. Gemini, learned Deputy Advocate General assisted by Mr. Sachin Sharma, learned Brief Holder for the State- respondent no.1.</li> <li>3. Mr. Harshpal Sekhon, learned counsel for respondent nos.2 to 6.</li> <li>4. In the instant C-482 petition, a Compounding Application (IA No. 01 of 2023) has been moved, which is supported with the affidavits of each of the applicants and respondent nos.2 to 6.</li> <li>5. All the applicants and respondent nos.2 to 6 are present in the Court physically and each of the applicants and respondent nos.2 to 6 are identified by their respective counsel through their Aadhar Cards.</li> <li>6. In the present application, preferred under Section 482 of Cr.P.C., the applicants are facing trial in Criminal Case No.7072 of 2020, for the offences punishable under Sections 147, 148, 149, 323, 325, 352, 452, 504 &amp; 506 IPC, "<i>State vs. Ali Hasan &amp; others</i>", pending the Court of Judicial Magistrate/ 1st Additional Civil Judge, Rudrapur, Udham Singh Nagar, arising out of FIR No.56 of 2020, registered at P.S. Gadarpur, District Udham Singh Nagar.</li> <li>7. An FIR, bearing FIR No.0056 of 2020, was lodged by Mohd. Deen, in relation to an incident which was happened on 20.02.2020, against 11 persons, who are from the same village, which is evident from the FIR. In respect of the same incident, another FIR, bearing FIR No.55 of 2020 was also lodged for the offences punishable under Sections 147, 148, 149, 323, 352 and 504 IPC, at P.S. Gadarpur, District Udham Singh Nagar.</li> <li>8. In both the FIRs, the charge-sheets were filed, and</li> </ol> |

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|  |  | <p>the cognizance were taken, and the applicants were summoned and are facing trial.</p> <p>9. Mr. Sekhon submits that in FIR No.55 of 2020, total 08 persons were implicated, and after filing the charge-sheet, a C482 application, bearing C482 No.471 of 2023 was filed, wherein a compounding application was also moved, and the compounding application was allowed by Coordinate Bench of this Court by judgment dated 21.03.2023, which is also placed on record.</p> <p>10. In FIR No.56 of 2020, there are total 11 accused, and against each of them, the charge-sheet was filed, and they are facing trial.</p> <p>11. All the applicants, and respondent nos.2 to 6 are present in Court, and this Court interacted with each of them, and they submit that each of the applicants and respondent nos.2 to 6 belongs to the same village, and only due to some misunderstanding, this incident has happened. Now, each of the applicants and respondent nos.2 to 6 have decided to resolve all their disputes, and they all are living happily, and they are friendly with each other. They all assure this Court that they will not repeat such incident in future.</p> <p>12. Mr. Jemini, learned Deputy Advocate General submits that the offences punishable under Section 147, 148, 149 and 452 IPC are not compoundable, however, he fairly submits that since the allegations appear to be personal in nature because all the applicants and respondent nos.2 to 6 belong to the same village, and their houses are nearby, and it appears that since long back all of them are living happily, and their relationship are friendly with each other, therefore, in view of the law laid down by the Hon'ble Supreme Court in the case of <i>Gian Singh vs. State of Punjab and another</i>, (2012) 10 SCC 303, the compounding application can be allowed.</p> <p>13. Consequently, the compounding application is allowed. The proceeding of Criminal Case No.7072 of 2020,</p> |
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|  |  |  | <p><i>“State vs. Ali Hasan &amp; others”</i>, pending the Court of Judicial Magistrate/ 1st Additional Civil Judge, Rudrapur, Udham Singh Nagar, arising out of FIR No.56 of 2020, registered at P.S. Gadarpur, District Udham Singh Nagar, are quashed <i>qua</i> the applicants.</p> <p>14. In view of this, the present C482 petition is disposed of.</p> <p>15. Pending application, if any, also stands disposed of.</p> <p style="text-align: right;">(Rakesh Thapliyal, J.)<br/>21.12.2023</p> <p>NISHANT</p> |
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