

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.1658 of 2022 With IA/1/2023(Compounding Application) <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Mohit Kumar, learned counsel for the applicants. Mr. Deepak Bisht, learned Brief Holder for the State. Km. Meenu, learned counsel for the private respondents. The applicants, who are present in person, who have been duly identified by their counsel. The complainant and the victim (respondent no.2 and 3) are too present, who have been identified by Km. Meenu, learned counsel, who is representing their cause. The present applicants have been summoned by an order dated 19.12.2020 which was passed by the Judicial Magistrate, Jaspur, District Udham Singh Nagar in Criminal Case No.606 of 2020, "State Vs. Abhishek Sharma & Others" for being tried for the offences under Section 384 and 420 of the IPC as it was registered against them for purpose of illegally duping the complainant and the victim, respondent nos.2 and 3, by taking money from them for the purpose of depositing the same towards their electricity charges, and, hence, having not done so, they are said to be involved

		in the commission of offences under Section 420 and 384 of the IPC. The C482 Application is accompanied with the compounding application, which has been duly signed by the parties, including their respective counsel, wherein the parties to the proceedings have settled their dispute, in terms of the grounds taken in the compounding application and, hence, they have sought a composition of offence. The applicants, who are present in person, have stated that whatsoever money, which was taken by the applicants from the complainant, have been returned to them, for which they have been summoned, i.e. an offence under Section 384 of the IPC, is not compoundable. But, it has been argued by the learned counsel for the applicants that the penal provision of Section 384 of the IPC would not be attracted because of the lack of satisfaction of the ingredients required for establishing the offence under Section 384 of the IPC, which defines extortion after forceful extraction of money there has to be creation of a threat or a fear at the best of the applicants. Be that as it may, since the applicants, who has appeared before this Court has admitted their guilt of having duped the complainant i.e. the victim (respondent nos.2 and 3) of the money. But, owing to the fact, that taking a pragmatic view because of the fact that the
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			parties have settled their dispute and respondent nos.2 and 3 have submitted that the entire money has been returned to them by applicant nos.1 and 2, the C482 Application would stand disposed of and, as a consequence thereto, the proceedings of Criminal Case No.606 of 2020, “State Vs. Abhishek Sharma & Others” pending consideration before the Court of Judicial Magistrate, Jaspur, District Udham Singh Nagar, would hereby stand quashed, subject to the compliance of the following conditions:- “1. That the applicants would be planting 5 neem trees each in an area to be identified by the Horticulture Department of their District to which they belong, at their own cost. 2. The plantation of the trees would be made in the respective areas, from which they belong, under the supervision of the Horticulture Department. 3. It is only upon the submission of the certificate of the planting of the five trees by each one of them to be issued by the competent authority of the Horticulture Department, which has to be submitted before the competent Court seized with the criminal proceedings, its then only the proceedings would be dropped, in compliance of the today’s order passed in the present C482 application. 4. If the aforesaid compliance is not made within a period of one month from today, it will automatically result into the revival of the aforesaid criminal proceedings. 5. If, at any stage, any Officer of the Horticulture Department is found to have issued a fraudulent certificate, he would be
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			criminally dealt with, in accordance with law.” Subject to the aforesaid, the matter is compounded and the C482 Application would stand disposed of accordingly. (Sharad Kumar Sharma, J.) 18.08.2023 Sukhbant
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