

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.1671 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Pawan Mishra, Advocate, for the applicants. Mr. B.C. Joshi, Brief Holder, for the State of Uttarakhand/1. Ms. Rajni Rangwal, Advocate, for the private respondents. The subject matter of the consideration in the present C482 application is the proceedings of the Sessions Trial No.169 of 2021, "State Vs. Amit Survayanshi and others", which was the proceedings drawn on the complaint as it was register by the respondent no.2, as against the present applicants, who were said to be involved in assaulting the respondent no.3, who is said to have suffered injuries on account of the incident, which has been narrated in the FIR, which has chanced on 28.09.2020. As a consequence of the incident, which has been narrated in the FIR, it was shown that the Paramjeet Singh/respondent no.3, has suffered with the serious injuries, and as a consequence thereto he was taken to the hospital where initially he was administered treatment initially at Coronation

		Hospital, but owing to the serious conditions, which he was suffering from he was taken to the Indresh Hospital, where he has undergone the treatment. The parties contend that owing to the fact that they are working in the same market place, they have resolved to settle the dispute in terms of the compounding application, which has been duly signed by all the parties, including the fact, that it has been supported by the respective affidavits, where they have contended that they have compounded the offences, for which the present applicants has been summoned by the Sessions Court, to be tried for the offences under sections 308, 147, 149, 324, 504 and 506 of IPC. In fact most of the offences for example sections 308, 147, 149 and 324 of IPC, are not compoundable under section 320 of CrPC, but though there is no absolute legal bar that they cannot be compounded by the courts exercising the inherent powers under section 482 of the CrPC, and that has been mandated by the Hon'ble Apex Court in number of the judgments, which has been compositely considered by this Court in the matters of Pan Singh Rana, as reported in 2018 UD (8) 680, wherein, this Court has considered as to what would be the ambit of the exercise of powers
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		by the court exercising the inherent jurisdiction in relation to those offences, which are not compoundable under section 320 of CrPC, and which are the social offences. But then the latitude has been diluted by numbers of other judgment rendered by the Hon'ble Apex Court, by adopting certain parameters to create a deterrent against the accused persons not to engage themselves in commission of future offences. The court's power under section 482 of CrPC, has been liberalized to be exercised for the purposes of composition of the offences. Considering the various medical reports, which are on record, they have reported that the injuries suffered by the victim/respondent no.3, herein, would be grievous in nature, and one of the Doctors has also recorded a statement that the injuries suffered by the applicant was fatal to his life. But looking to the fact that, and particularly, owing to the statement recorded by the victim and the complainant, who has participated in the proceedings through video conferencing, they have submitted that since they are working in the same market place, and certain misunderstanding has taken place, due to which the incident has chanced,
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			resulting into causing the fatal injuries to the victim. The parties are in agreement that in case if the offences are compounded they may not be having any grievances as such against one another. The Government Advocate opposes the compounding application on the ground that the material placed by them in the counter affidavit i.e. the statements recorded by the witnesses and the medical reports, where the Doctors have consistently maintained a stand that the injury suffered by the victim/respondent no.3, was grievous in nature, and thus, he contends that the offences, which are being sought to be compounded, are not compoundable under section 320 of CrPC. Hence, the compounding application deserves to be rejected. But owing to the statement made by the victim in the presence of the counsel, who has identified him, he has submitted that since the parties have now settled their dispute, and the complainant do not want to prosecute the present applicants any further for the aforesaid offences. But taking a pragmatic view that though the offences are not compoundable and the
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			nature of the injuries were grievous in nature, this Court in order to curb litigation between the parties, while extending its inherent power under section 482 of CrPC, by compounding the offences, subject to the condition that during the course of the interaction, which was made in the presence of the applicants and the respondents, this Court felt that it would be apt to compensate the victim/respondent no.3, who has invested much in getting his treatment for the injuries suffered because of the assault made by the applicants in a lump sum amount, which has been invested by the victim which is said to be about Rupees Two Lakh. In order to balance the equities and compound the offence, and bring the litigation to an end, the applicants are imposed upon to pay a compensation of Rupees One Lakh, to be paid to the respondent no.3/victim, within a period of one week from the date of the receipt of the certified copy of this order. The composition of the offence would be subject to the compliance of the conditions of the remittance of Rupees One Lakh, as directed above, and its only upon the placement of the proof of the deposit made by the applicants to the respondent no.3, the proceedings of the Sessions Trial No.169 of
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			2021, “State Vs. Amit Survayanshi and others”, pending consideration before the court of 6th Additional District and Sessions Judge, Dehradun, would stand quashed. In case if the directions contained as above are not complied with the composition of the offences as directed by the today’s order will not be given effect to. Subject to the aforesaid, the C482 application stands disposed of. (Sharad Kumar Sharma, J.) 10.10.2023 NR
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