

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 WPCRL No.1177 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Yogesh Pant, Advocate, for the applicants. Mr. V.K. Jemini, D.A.G., for the State of Uttarakhand/1. Mr. Deep Prakash Bhatt, Advocate, for the respondent nos.2 and 3. The instant writ petition has been preferred by the applicants, who are the named accused persons in the FIR No.229 of 2023, dated 05.06.2023, which has been registered against them at Police Station Khatima, District Udham Singh Nagar, for their alleged involvement in commission of the offences under sections 323, 354, 452 and 506 of IPC. The aforesaid FIR has been sought to be quashed on the ground that the parties had entered into a settlement as annexed as Annexure No.2, to the writ petition, wherein, they have contended that there had been a corresponding civil suit being Suit No.30 of 2023, filed by the complainant Smt. Aneeta Devi, which has been later on withdrawn on the basis of the compromise, which is on record as Annexure No.2, referred to hereinabove. The Government Advocate vehemently

			opposes the compounding application filed in support of the writ petition on the ground that the offences seems to be heinous in nature, coupled with the fact that some of the offences are not compoundable, as such, they will not be falling within the ambit of section 320 of CrPC. Having considered the controversy in its entirety particularly since the applicants and the respondent nos.2 and 3, they are closely related to one another, coupled with the fact that since the respondent no.2/complainant has withdrawn the civil suit based on the compromise. But in order to balance the equities, while compounding the offences, which have been complaint of in the FIR, the same would hereby stand quashed, subject to the condition that each of the applicants, herein, would be planting two neem trees in the court premises of the Khatima, District Udham Singh Nagar with the following conditions:- (1) That the applicants of the present C482 application would be planting two trees each, at their cost, under supervision of the Horticulture Department. (2) It is only upon the submission of the certificate of the planting of the two trees, which is to be issued by the competent authority of the Horticulture Department, which has to be submitted before the competent court ceased with
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			the criminal proceedings, its then only the proceedings would be dropped, in compliance of the today's order passed in the C482 application. (3) 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. (4) If at any stage, any Officer of the Horticulture Department is found to have issued a fraudulent certificate, he would be criminally dealt with in accordance with law. Subject to the aforesaid, the writ petition would stand allowed, and the FIR in question would hereby stand quashed, only subject to the condition that the aforesaid conditions of planting of trees is complied with by the applicants. (Sharad Kumar Sharma, J.) 21.08.2023 NR
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