

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. 1 of 2023 In C482 No. 1682 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. S.K. Mandal, Advocate, for the applicants. Mr. B.C. Joshi, A.G.A., for the State of Uttarakhand. Mr. Deepak Singh Bisht, Advocate, for respondent No.2. The applicants had earlier approached this Court in C-482 Application No.1280 of 2023, for quashing of the proceedings of Criminal Case No. 5726 of 2017, State Vs. Ravindra alias Shera and others, where they have been summoned to be tried for the offences under Sections 323, 452, 504, 506 and 427 of the IPC. The said C-482 Application was dismissed with liberty left open for the applicants to resort to the remedies provided under the judgment of Satender Kumar Antil Vs. Central Bureau of Investigation and another as reported in 2022 (10) SCC 51. The instant C-482 Application has been filed, along with the Compounding Application, on the basis, that the powers under Section 320 of the Cr.P.C. could only be exercised by the High Court for compounding the offence based on the settlement arrived at between the parties, by the Court exercising its inherent powers under Section 482 of the Cr.P.C. Hence, this C-482 Application. In the Compounding Application, the parties have jointly signed the compounding application, along with the terms and conditions mentioned therein, wherein they have ultimately settled their disputes, and the complainant/respondent No.2, does not intend to prosecute the present applicants any further. The Complainant Sukhdev Singh, is present in person, identified by his counsel. Similarly, the

		applicants too are present before this Court and they have been identified by their Counsel, Mr. S.K. Mandal, who also verifies the contents of the Compounding Application. The Compounding Application is being opposed by the Government Advocate, by filing an objection to the effect, that one of the offences, being the offence under Section 452 of the IPC is not compoundable under Section 320 of the Cr.P.C. He further submits, that if the FIR itself is taken into consideration, the act of commission of offence under Section 452 of the IPC, is a prime ingredient for commission of other following offences, under Sections 323, 504, 506 and 427 of the IPC, and hence, it should not be compounded. After having considered the respective arguments extended by the learned counsel for the parties, this Court is of the view, that having gone through the contents of the FIR, the act of forceful entering into the residence of the complainant, in fact, it is absolutely a private offence, and it will not have any social bearing as such, coupled with the fact, that a minor altercation has taken place, and that is why, the offences under Sections 323, 504 and 506 of the IPC, have been attracted, for which, the applicants have been summoned by the learned Trial Court for the aforesaid offences by an order dated 1st November, 2017. Being satisfied with the grounds taken in the Compounding Application, and also upon the interaction, which was made by this Court with the applicants and the complainant, the C-482 Application would stand disposed of, and as a consequence thereto, the proceedings of Criminal Case No. 5726 of 2017, State of Uttarakhand Vs. Ravindra alias Shera and others, pending consideration before the Court Judicial Magistrate, Rudrapur, District Udham Singh Nagar, would hereby stand quashed, subject to the conditions, that in order to meet out the objection taken by the Government Advocate, qua the non compoundability of the offence under Section 452
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			of the IPC, the applicants are being imposed with the penalty of planting two Neem Trees in the Court premises of Kichha on their own costs subject to the following terms and conditions :- “1. That the applicants of the C482 application would be planting two NeemTrees each in an area to be identified by the Horticulture Department of the Court premises which they belong, at their own cost. 2. The plantation of the Neem Trees would be made in the respective areas, under supervision of the Horticulture Department. 3. It is only upon the submission of the certificate of the planting of the two trees to be issued by the competent authority of the Horticulture Department, which has to be submitted before the competent court ceased 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 criminally dealt with in accordance with law.” It is only after the compliance of the aforesaid directions, the proceedings of the Criminal Case as referred to hereinabove would stand quashed. (Sharad Kumar Sharma, J.) Dated 31.10.2023 Shiv
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