

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. 1780 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Shailabh Pandey, Advocate for the applicants. Mr. V.K. Gemini, Dy. A.G. for the State. Mr. Pankaj Sharma, Advocate for the respondents. Heard. The genesis of the instant C482 application happens to the proceedings of Criminal Case No. 5024 of 2021, State Vs. Raja Sharma & Ors., which stood registered, as such, on account of registration of FIR No. 177 of 2019, as it was got registered by the complainant-respondent no. 2 for the alleged involvement of the present applicants for commission of offence under Sections 323, 420, 467, 468, 471, 498A, 504 and 506 of IPC and under Section 3/4 of Dowry Prohibition Act. The C482 application, where a challenge is given to the proceedings, is accompanied with the compounding application and the ground of composition is that the parties now agreed to sever their matrimonial relationship and they have agreed to institute the proceedings under Section 13 B of the Hindu Marriage Act. It has been further asserted in the C482 application, that the parties have already entered into a settlement, and the terms of compromise dated 24.08.2023, finds place as annexure-4 to the C482 application to which the parties to the C482 application agreed that they would be strictly abiding by the same. It is agreed between the parties that as a consequence of the initiation of the proceedings under Section 13-B of the Hindu

		Marriage Act, for dissolution of the marriage, the permanent alimony under Section 25 of the Hindu Marriage Act has been settled to be paid by applicant no.1, to respondent no. 2 to the tune of Rs. 5 lakhs, though, there is no proof as such on record about the remittance of Rs. 2.5 lakh which was payable as a consequence of first motion which was made, subject to the condition of quashing of the instant criminal proceedings. But still in the absence of proof as such, and, particularly owing to the statement made by the complainant-respondent no. 2 in the presence of her counsel that she has received a sum of Rs. 2.5 lakhs in cash, the said statement of her is taken on record. The Government Advocate vehemently opposes the compounding application on the ground that some of the offences, for eg., offence under Sections 467, 468, 471 of IPC are not compoundable under Section 320 Cr.P.C. And, hence, the compounding application may not be considered. This Court cannot oblivious to the fact that the instant C482 application, basically it entails a settlement of a private matrimonial dispute where vitalities of non compoundable offences, as opposed by the Government Advocate, may not have such a predominant role to decline while the Court is exercising its inherent power under Section 482 to compound the offence, and, more particularly, when it intends to bring peace to the two rival factions of the C482 application. Thus, in view of the aforesaid wider concept, the objection raised by the Government Advocate would stand turned down. Owing to the statement which has been made by applicant no. 1 and respondent no. 2, though, this Court has made all effort that, they may revive back matrimonial relationship, but applicant no. 1 and respondent no. 2 had consistently
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			maintained a stand that they do not intend to revive the matrimonial relationship any further. Owing to the above statement, this C482 application would stand disposed of, and as a consequence thereto, the proceedings of Criminal Case No. 5024 of 2021, State Vs. Raja Sharma & Ors., pending consideration before the court of Judicial Magistrate 1st, Haldwani, Distrit Natinial would hereby stand quashed. But, quashing of the above proceedings would be subject to the condition that applicant no. 1 undertakes that he will filing a proceedings under section 13 B within a period of three weeks from today. Subject to the aforesaid the C482 application stands closed. (Sharad Kumar Sharma, J.) 05.09.2023 PV
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