

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) In C482 No.1808 of 2023 with C482 No.1943 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Vikas Singh Yadav, Advocate, for the applicants. Mr. V.K. Gemini, D.A.G. for the State of Uttarakhand. Mr. Aayush Gaur, Advocate, for the respondent. These are the two C482 applications. They are based upon same facts, and are arising out of the same set of allegations, as it was referred to in the FIR No.252, dated 27.05.2023, as registered at Police Station Bazpur, District Udham Singh Nagar, for the involvement of the named accused persons, which in the C482 No.1808 of 2023, they are two in numbers, whereas in the connected C482 No.1943 of 2023, all the other co-accused persons referred to in the FIR, who are five in numbers, have preferred the C482 applications. In the FIR, there had been certain set of allegations pertaining to the commission of the offence under sections 147, 148, 323, 504 and 506 of IPC, and under section 3 (1) (x) of the SC and ST Act. It shows that some minor altercations did took place on 27.05.2023, as commonly involved in both the C482 applications, on account of certain political dispute with regards to the extension of the candidature for contesting the election of the Pradhan of Village Bazpur. Upon investigation, the Chargesheet No.299 of 2023, dated 12.07.2023, has been submitted by the Investigating Officer, based on which, the proceedings of the Special Sessions Trial No.611 of 2023, "State Vs. Naim

			Ahmad and others”, stood instituted before the court of Special Sessions Judge, Udham Singh Nagar, whereby, the applicants have been summoned to be tried under sections 147, 148, 323, 504 and 506 of IPC, and under section 3 (1) (x) of the SC and ST Act. All the parties are present in person before this Court, they have been duly identified by the their respective counsels for the applicants. The complainant/respondent No.2, who is common in both the C482 applications, is too present in person. This Court has interacted with him, and he has submitted that since there was a minor altercation which has taken place owing to the political rivalry, which normally persisted in the village, the incident as complained of in the FIR, was said to have been chanced, and he submitted that now they have resolved their dispute in terms of the respective compounding applications, which has been filed along with two C482 applications, almost referring to the same terms and conditions for the composition of the offences. Both the compounding applications have respectively contained the affidavits filed by the applicants, as well as the complainant, giving the terms and conditions under which the parties have settled their dispute, and particularly, the compromise dated 23.09.2023, which too happens to be common in both the C482 applications. Learned Government Advocate opposes the compounding application on the ground that since it happens to be an offence under section 3 (1) (x) of the SC and ST Act, it ought not to be compounded by this Court by exercising its inherent powers under 482 of the CrPC. Apart from the fact that since it is a village rivalry, and all the persons i.e. applicants and the complainant are the natives of the same village, the long drawn criminal litigation has had to be brought to an end, and that too particularly when it’s relates to the offences, which are compoundable under section 320 of the CrPC.
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			The contention raised by the applicants with regards to the commission of the offence against the scheduled caste may not be exclusively sustainable for the reason being, that if the FIR is taken into consideration, as it is commonly related in both the cases, though the offences are shown to have been committed at a public place, but it does not satisfy the ingredients provided under paragraph 6 of the judgment of “Gorige Pentaiah Vs State Of A.P” as reported in 2008 (12) SCC 531, as the FIR doesn’t finds any reference made by the complainant that the person extending the caste related remarks or expressions belongs to a person of superior caste. Thus the argument of the learned Government Advocate would stand rejected on this ground itself, and particularly, from the more wider prospective that since this happens to be a normal dispute which arisen out of the political rivalry, and more particularly when the person, who is said to have been insulted the complainant, who is present before this Court, has made a statement that they have entered into a settlement, and he admits the fact of the settlement dated 23.09.2023. This Court is of the view that continuance of the proceedings would be rather forcing the parties to the C482 application to litigate in the criminal case, which should not be an endeavour of the Courts exercising the inherent powers, because it simultaneously owes the responsibility to end a litigation, which may not be having ultimately a serious consequences or which may not result into a positive conviction. Since in the instant case there happens to be a compromise, the complainant is not interested to prosecute the present applicants any further. Since there is a possibility of the hostility of the witnesses, when the actual trial is taken on its merit, it would be an act of the futility to keep the criminal proceedings pending inter se between the parties. Thus, the C482 applications would stand allowed, and as a
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			consequence thereto, the proceedings of the Special Sessions Trial No.611 of 2023, “State Vs. Naim Ahmad and others”, as commonly involved in both the C482 applications, would hereby stand quashed. (Sharad Kumar Sharma, J.) 06.10.2023 NR
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