

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	<u>04.10.2023</u>		C482 No. 1868 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. K.K. Harbola, Advocate, for the applicant. Mr. V.K. Gemini, Deputy Advocate General, for the State. Mr. Mukesh Rawat, Advocate, for the respondent. An FIR, being FIR No. 19 of 2020 was registered by respondent No. 2 i.e. the complainant doctor, for the alleged involvement of the named accused persons, which included present applicant to be involved in commission of offence under Sections 504, 353, 506, 427 of IPC. As per the set of complaint narrated in the FIR, it was complained of that 3 or 4 persons have brought a girl child who was of 7 years of age, who was medically required to be attended, owing to the ailment which she was suffering. It was that in the late hours of the night when respondent No. 2, who was working as a doctor at the relevant point of time, he attended upon the patient and had administered treatment, according to his medical acumen. But the applicants mentioned therein for no reasons, are shown to have misbehaved with the doctor, as well as they had damaged the property of the hospital and the said act was performed under the pretext and threat exerted that

		they contended that they are the people of <i>vidhayak</i> and they can do whatever they want, and had threatened the doctor that the complainant cannot do anything to them, because they are being shielded by the local MLA. Such type of an unruly activity has become quite rampant in the society. The applicant herein is a named accused person, who is said to be involved in commission of the offence and his name does finds reference in the FIR. Accordingly, upon culmination of investigation the offence was found established, the Chargesheet, being Chargesheet No. 17 of 2020, was submitted by the Investigating Officer on 09.04.2020, whereby the provisions as contained under Section 2/3 of the Prevention of Damage to Public Property Act, 1984 and Section 3/4 of the Uttarakhand Medicare Service Persons and Institutions (Prevention of Violence and Damage to Property) Act, 2013 was also added by the Investigating Officer. Its that this offence is being sought to be compounded, by invoking the provisions as contained under Section 320 of CrPC. But, this Court is of the view, that composition of offences, even for the offences which could be compounded cannot be customarily made by the Courts while exercising their inherent powers, particularly when the action complained of is against the society and it carries a wrong message to the public at large, as a consequence of the composition of the offence. The parties to the proceedings are
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		present in person. This Court had interacted with the complainant, who has specifically made a statement, and supported the FIR, and the act as complained of in the FIR that it did chanced in the manner in which it has been described therein, where the present applicant along with his accomplices had damaged the property of the hospital and misbehaved and had manhandled the doctor. This phenomenon of assaults of Doctors, is becoming quite rampant in the society and thus the medical fraternity, as well as the property belonging to the hospital or the State has had to be protected, by attracting the statutory provisions contained for which the present applicant has been summoned to be tried by the Court of Chief Judicial Magistrate, Champawat. A time has come where the citizens of the country have to realise and be disciplined in their public conduct and dealing, while they are availing medical facilities from the doctors and they cannot take the liberty to misbehave with the Doctors and damage the properties of the hospitals. After having heard the learned counsel for the applicant, I am not inclined to entertain the Compounding Application, the same would stand rejected. Consequently, the C482 Application too, would stand dismissed. (Sharad Kumar Sharma, J.) 04.10.2023
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