

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.1885 of 2023 With IA/1/2023 (Compounding Application) <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Alok Kumar, learned counsel for the applicants. Mr. S.C. Dumka, learned Assistant Government Advocate for the State. Mr. Sandeep Kothari, learned counsel for the private respondents. In the instant C482 Application, the applicants have put a challenge to the proceedings of SST No.128 of 2023, "State Vs. Abhay Khatri and another", whereby the present applicants have been summoned by an order of 11.09.2023, for being tried for the offences under Sections 354D, 504, 341 of the IPC and Sections 11/12 of the POCSO Act. The C482 Application is accompanied with the compounding application wherein it has come on record that the victim / respondent no.2 herein is shown to have eve-teased her resulting into attraction of an offence under Section 354D, 504, 341 of the IPC and Section 11/12 of the POCSO Act. In fact, if the ingredients of Section 354D of the IPC are taken into consideration and

		those are placed to be read in accordance with the set of offences of allegations levelled in the FIR, the ingredients of 354D of the IPC, do not stand satisfied to be specifically made out, because the victim, who was said to be going on a scooty, was alleged to have apprehended the present applicants and they attempted to forcefully talk to her. Making an attempt to talk to the victim will not include the act an offence under Section 354D of the IPC.
--	--	---

Be that as it may, but, since now the offence is being sought to be compounded, as would be apparent from the contents of the compounding application, which has been duly signed by all the parties, on the ground, that the FIR was registered on a certain misunderstanding and, owing to the fact, that now the parties have settled their dispute, the complainant and the victim do not intend to prosecute the present applicants any further.

The compounding application has been vehemently opposed by the Government Advocate contending therein that since the offence happens to be of Sections 11/12 of the POCSO Act, that may not be compoundable, and as such, this Court may reject the compounding application.

In this present era, the Court cannot be

		oblivious of the fact, that the nature of complaint which is being made in the FIR is not new to the society; its quite it normally happens, in the present modern era, but all these offences cannot be made to be a subject matter of criminal trial, particularly, when the nature of offence itself, as it has been narrated in the FIR, does not satisfy the ingredients of Section 354D of the IPC and, particularly, when the victim herself has made a statement in the compounding application, that it was under some wrong impression, that the FIR was registered.
--	--	---

Young boys and girls making an effort or attempt to talk to each other to make friendship, may not be strictly taken to be an offence under Section 354D of IPC, to criminally prosecute, and spoil their future for all times to come.

The victim as well as the complainant Sanchita Narula, the mother of the victim, are present in person. This Court has interacted with them. The complainant has made a statement that, owing to the terms of settlement, as it has been referred to in the compounding application, she does not intend to prosecute the applicants any further in the criminal proceedings that have been drawn by

		her against the present applicants, and thus, prays for that the proceedings of Criminal Case No.133 of 2023, “State Vs. Abhay Khatri and Another”, pending consideration before the Court of Special Judge, POCSO, Dehradun, may be dropped. Owing to the aforesaid statement, coupled with the statement, made in the compounding application, which has been duly signed by all the parties as well as by the respective counsel verifying its contents, the C482 Application would stand dropped. As a consequence thereto, the proceedings of SST No.128 of 2023, “State Vs. Khatri and Others”, pending consideration before the Court of District and Sessions Judge, Dehradun, would hereby stand quashed. (Sharad Kumar Sharma, J.) 21.09.2023 Sukhbant
--	--	---