

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. 1993 of 2023 With IA No. 1 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. M.K. Ray, Advocate, for the applicant. Mr. V.K. Gemini, Deputy A.G., with Mr. B.C. Joshi, A.G.A., for the State of Uttarakhand. Ms. Unnati Pant, Advocate, for respondent No.2. There are situations, where the Court has to carve out an exception in the exercise of its powers under Section 482 of the Cr.P.C., while considering the Compounding Application to the offences, which are not compoundable, as it happens to be in the instant C-482 Application. The FIR No. 477 dated 10th September, 2019, was registered by the complainant Smt. Kamlesh, as against the named accused persons, including the present applicant, to be involved in the commission of the offences under Sections 376, 511, 323, 504 and 506 of the IPC. There are various set of allegations and counter allegations levelled in the FIR, and normally, it should not have been compounded, but owing to the changed circumstances, because of the fact, that the victim's husband has met with the sad demise, who was the elder brother of the applicant, and the victim was having two daughters and one son, who were supposed to be taken care of. The fact, that applicant is said to have married the complainant, and as such, they have filed a Compounding Application, contending thereof, that since most of the named accused persons have met with the sad demise, no fruitful purposes would be served to proceed with the Special Sessions Trial No. 112 of 2021, State Vs. Rajkumar and others. The parties are present in person. Though the complainant has supported the allegation levelled in the FIR, but she has submitted, that owing to the changed circumstances, because of the

			sad demise of her husband, and that the complainant has married with the applicant, i.e. her brother-in-law/ applicant, herein. After the marriage of the complainant with the applicant, it is stated by the complainant, that she is comfortably staying with her brother-in-law (now husband) and is enjoying the status of being a wife, and the applicant too is also taking care of the children born out of the late husband of the complainant. The Compounding Application is supported by the respective affidavit, which has been duly signed by both the parties, as well the counsels, who have verified the contents of the same. In order to balance the equity, and particularly looking to the interest of the children, who were born out of the first marriage of the complainant, with the elder brother of the applicant, the C-482 Application would hereby stand allowed, and as a consequence thereto, the proceedings of Special Sessions Trial No.112 of 2021, State Vs. Rajkumar and others, pending consideration before the Court of Addl. Sessions Judge, Rudrapur, District Udham Singh Nagar, would hereby stand quashed, subject to the undertaking given by the applicant, herein, that till the children attains the age of majority, the applicant assures the Court, that he will be taking care of them with regard to their education and better living. Since the complainant has made a statement that no fruitful purpose would be served to keep the lis pending between the parties, the proceedings of Special Sessions Trial No.112 of 2021, State Vs. Rajkumar and others, pending consideration before the Court of Addl. Sessions Judge, Rudrapur, District Udham Singh Nagar, would stand quashed, qua the present applicant, subject to the above condition as imposed by this Court. (Sharad Kumar Sharma, J.) Dated 06.10.2023 Shiv
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