

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	<u>06.10.2023</u>		C482 No. 1988 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. P.C. Petshali, Advocate, for the applicants. Mr. V.K. Gemini, Deputy Advocate General, for the State. Mr. Yogesh Upadhyay, Advocate, for the respondent. In this C482 Application, the birth of the case is from Criminal Case No. 7055 of 2018, State Vs. Chainaram Chaudhary and Another, whereby in an FIR, which was registered by the complainant respondent No. 2 on 26.09.2018, being FIR No. 238, the present applicants were shown to be involved in commission of offence under Sections 354, 452, 504 & 506 of IPC. Upon culmination of the investigation, in relation to the incident which is said to have chanced on 25.09.2018 in the night at 10.35, the present applicants were found to be indulged in the commission of aforesaid offence. Consequently, a Chargesheet, being Chargesheet No. 827 of 2018 dated 17.10.2018 was submitted by the Investigating Officer, on which the present applicants had been summoned. The C482 Application is accompanied with the Compounding Application, which has been duly signed by all the parties. Besides this, they are

		present in person and they have been duly identified by their respective counsels. This Court has interacted with the complainant respondent No. 2 and the accused persons i.e. applicant Nos. 1 & 2 herein. The respondent No. 2 had made a categorical statement before the Investigating Officer, as well as before this Court that the incident of 25.09.2018 did chanced where Chainaram is said to have misbehaved with the female while forcefully entering into her house along with Doga Ram i.e applicant No. 2 herein. The offences, which has been complained of i.e. under Sections 354 and 452 of IPC are not compoundable under Section 320 of CrPC. This Court has interacted the applicant No. 1 i.e. the principal accused person who was involved in commission of offence under Section 354 of IPC, he too has made a statement in the presence of his counsel that the offence did chanced as complained of in the FIR which amounts to be an admission. In that eventuality, when the victim and the accused person, admit the fact about the commission of offence under Sections 354 and 452 of IPC, which are not compoundable, the Compounding Application could only be considered by the Court while exercising its inherent powers under Section 482 of CrPC, subject to imposition of certain penalties, so that a message may be carried to the public at large to deter from commission of such types of offences which are social offences.
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		Owing to the grounds taken in the compounding application the C482 Application would stand disposed of in terms of the compromise (Annexure 5 to the Compounding Application) subject to the following conditions:- (1) That within a period of one month from today, both the applicants would pay an amount of Rs. 1.50 lakh, each, to the complainant respondent No. 2 herein. (2) As soon as the proof of payment of money which has had to be made by way of a negotiable instrument i.e. the draft to be drawn in favour of complainant respondent No. 2, it is then only the proceedings of Criminal Case No. 7055 of 2018, State Vs. Chainaram Chaudhary and Another, pending consideration before the Court of Judicial Magistrate, Kashipur, District Udham Singh Nagar, would be dropped. (3) In an event, if the said conditions are not complied with by the applicants herein, and a proof of deposit is not placed before the learned Judicial Magistrate, Kashipur, District Udham Singh Nagar, the order passed today on the Compounding Application, would automatically stand nullified and the proceedings of C482 Application would stand revived to be decided on merits. Subject to the aforesaid, the C482 Application is closed. (Sharad Kumar Sharma, J.) 06.10.2023
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