

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) With C482 No.1997 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mrs. Prabha Naithani, Advocate, for the applicants. Mr. V.K. Gemini, DAG, for the State of Uttarakhand. Mr. Gaurav Panwar, Advocate, for the private respondents. The instant C482 application emanates from the proceedings of the Special Sessions Trial No.55 of 2023, "State Vs. Prateek Joshi @ Anshul Joshi and others", whereby the present applicants have been summoned to be tried for the offences under sections 452, 323, 504 of IPC and 3 (1) (r), 3 (1) (s) of the SC and ST Act. The C482 application is accompanied with the compounding application contending thereof that now the parties have entered into a settlement, as such the proceedings of the Special Sessions Trial No.55 of 2023, may be dropped. For the purposes of substantiating the compounding application, they have placed on record the compounding application, which has been duly signed by all the parties, including the fact that all the parties except for Shri Harish Singh Phartyal/respondent no.7, they are present in person before this Court. Shri Harish Singh Phartyal/respondent no.7, has participated in the proceedings through video conferencing. All the parties, to the C482 application have supported the compounding application and the terms and conditions contained therein. The compounding application is being opposed by the Government Advocate on the

			ground that one of the offences for which the trial is being conducted that is an offence under section 452 of IPC, is not compoundable under section 320 of the CrPC, as such the compounding application may not be considered. Besides that the Government Advocate has also raised an objection, that if the FIR is taken into consideration, it refers to certain allegation of assault, which had been made by the applicants on the complainant. But the said aspect of the assault may not be having much wider bearing on the compounding application for the reason being that even if the concept of the assault is for the time being taken into consideration, the Investigating Officer has only attracted the offence under section 323 of IPC, which is compoundable under section 320 of the CrPC. Since there is a specific allegation that the accused named in the FIR, and besides this, rather applicants' whose name figured at the stage when the investigation was being carried resulting into the submission of the Chargesheet No.19/2023, dated 29.06.2023, they were involved in forcefully entering into the house of the complainant and making an assault, the offence under section 452 of IPC, would not be compoundable. But taking a pragmatic view and particularly the fact as referred to in the compounding application from the prospective that since they are the resident of the same vicinity and a minor altercation did took place between them, but they want to patch up the differences by filing the compounding application, contending thereof, that now they are living in harmony and the complainant who too is present before this Court was interacted by this Court has made a statement that incident did chanced at the heat of the moment and which deserves to be compounded by this Court by exercising its inherent power under section 482 of CrPC. Considering the overall conspicuous of
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			the case, the C482 application would stand disposed of and as a consequence thereto the proceedings of the Special Session Trial No.55 of 2023, “State Vs. Prateek Joshi @ Anshul Joshi and others”, pending consideration before the court of Special Sessions Judge, Almora, would hereby stand quashed, subject to the conditions that the applicants since they are the resident of the Haldwani, District Nainital, and the matter would stand compounded qua the present applicants subject to the condition that each of them would be planting two neem trees in the court premises of Haldwani, District Nainital, at their own cost and under the guidance of the Horticulture Department of the State. Subject to the condition of planting trees in the court campus as directed above, and upon placing of the proof of the same on record before the Sessions Judge, Almora, the offences would be compounded only upon the placement of the proof of the same. For the aforesaid reasons, the proceedings of the Special Sessions Trial No.55 of 2023, “State Vs. Prateek Joshi @ Anshul Joshi and others”, would hereby stand quashed, subject to the compliance of the following conditions:- “1. That the applicants of the C482 application would be planting two trees each in an area to be identified by the Horticulture Department of the court premises which they belong, at their own cost. 2. The plantation of the trees would be made in the respective areas, under supervision of the Horticulture Department. 3. It is only upon the submission of the certificate of the planting of the two trees to be issued by the competent authority of the Horticulture Department, which has to be submitted before the competent court ceased with the criminal proceedings, its then only the
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			proceedings would be dropped, in compliance of the today's order passed in the present C482 application. 4. If the aforesaid compliance is not made within a period of one month from today, it will automatically result into the revival of the aforesaid criminal proceedings. 5. If at any stage, any Officer of the Horticulture Department is found to have issued a fraudulent certificate, he would be criminally dealt with in accordance with law.” (Sharad Kumar Sharma, J.) 09.10.2023 NR
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