

9Sl. 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.2023 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Pankaj Kumar Sharma, Advocate, for the applicants. Mr. V.K. Gemini, DAG, for the State of Uttarakhand/1. Mr. Aakib Ahmed, Advocate, for the respondent No.2. As a consequence of the judgment of the conviction as rendered in Criminal Complaint Case No.000284 of 2018, "Kishan Lal Vs. Amit and another", the present applicants were convicted for the offence under section 420 of IPC. The matter was put to challenge in the Criminal Appeal No.21 of 2023, "Amit Kumar and others Vs. State of Uttarakhand". Its that during the pendency of the appeal, that the parties have entered into a settlement, and as a consequence of the settlement arrived at, the compounding application has been filed, while seeking recourse to the proceedings under section 482 of CrPC. It is not in controversy that the offence under section 420 of the IPC, is compoundable under section 320 of CrPC. The only objection, which has been raised by the Government Advocate is that whether the composition could be done after the judgment of the conviction rendered by the trial court. We should be conscious of the fact that the judgment of the conviction of the trial court has not yet attained finality, but rather it is a subject matter of the judicial scrutiny at an appellate stage. No provisions of the law creates a bar, that under the provisions of 482 of CrPC, the court cannot exercise its inherent powers for

			compounding the offences, which are otherwise compoundable under section 320 of CrPC in order to curb a litigation, and more particularly, when the complainant doesn't intends to prosecute the present applicants owing to the settlement, which has been arrived at between them and referred to in the compounding application. Thus, the argument extended by the Government Advocate is answered against him. This Court has interacted with the parties, and particularly, the complainant and the complainant, who has been identified by his counsel, and he has made a statement before this Court that he is agreeable to the terms of the settlement as referred to in the compounding application, and also appended as Annexure No.4, to the C482 application. Owing to the aforesaid settlement dated 25.03.2023, and the statements as recorded in the affidavits filed in support of the compounding application, which has been duly signed by all the parties. The C482 application would stand disposed of and, as a consequence thereto, the judgment of the conviction dated 01.12.2022, as rendered by the court of Judicial Magistrate, Rishikesh, District Dehradun, in Criminal Complaint Case No.000284 of 2018, "Kishan Lal Vs. Amit and another", would hereby stand quashed, in the light of the provisions contained under sub-section (8) of section 320 of CrPC. Subject to the aforesaid, the C482 application would stand closed. (Sharad Kumar Sharma, J.) 11.10.2023 NR
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