

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	<u>20.10.2023</u>		C482 No. 2078 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Harsh Vardhan Dhanik, Advocate, for the applicant. Mr. V.K. Gemini, Deputy Advocate General, for the State. Mr. Jasmeet Sahota, Advocate, for the respondent. There were two accused persons i.e. Hina Mann and Hirendra Singh Mann, who are daughter and father respectively, who were said to be engaged in commission of offence under Sections 420, 504 and 506 of IPC, based on which the FIR No. 67 dated 27.02.2023 was registered by the complainant, on the ground, that they had assured the complainant respondent No. 2 to provide him a job in foreign country and in lieu thereof they were said to have received a sum of Rs. 11.00 lakh. But, despite of several persuasions, job was not provided to the complainant, consequently he has registered the FIR for prosecuting the present applicant for duping him of his valuables and not providing him a job, in a foreign country as assured by them. The matter was investigated and upon submission of the Chargesheet, being Chargesheet No. 265 of 2023 dated 25.09.2023, the offence under Sections 420 and 120B of IPC, were shown to have been apparently established as against the present applicant on which the learned Court of Judicial Magistrate, Kichha, District Udham Singh Nagar, had registered a Criminal Case No. 1174 of 2023,

			State Vs. Vishwajit and others and summoned the applicant for being tried for the offences under Sections 420 and 120B of IPC. The instant C482 Application is accompanied with the Compounding Application No. IA/1/2023 and in support thereto, the parties are present in person before this Court. The applicant upon being interacted by this Court, she blatantly denied that she was not at all engaged in extending any such assurance to the complainant of providing him job in foreign country, nor any such transaction has taken place to the tune of Rs. 11.00 lakh, as it has been referred in the FIR. But, on the contrary, upon being interacted by this Court, the complainant, he has made a statement that he is already in receipt of part of the amount, which has been paid to him in cash by the applicant and the balance amount has been paid to him before this Court through a cheque being Cheque No. 864639 dated 20.10.2023, which has been issued in favour of Mr. Baldev Raj Arora, the father of the respondent No. 2 and this cheque has been issued by the accused No. 2, as against whom no cognizance was taken in the summoning order of 11.10.2023. The issuance of a cheque and payment of cash made to the complainant respondent itself shows that it is an admission of guilt with regard to the allegations mentioned in the FIR. The cheque thus issued, is being directed to be handover to the complainant by the bench secretary after retaining the xerox copy of the same and taking the endorsement of receipt by the complainant/respondent. Though, the offences are compoundable, but the compoundability under Section 320 of CrPC, cannot be exclusively made
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			by the Courts exercising powers under inherent jurisdiction, in relation to the social offences where the applicant is said to be instrumental in duping the complainant and there might be certain other persons too who, too by assuring them to provide jobs in foreign country and then not fulfilling the commitments made by the applicant. In view of the above, since it's an offence against the society and quite a prevalent menace, which is required to be tried by the learned trial Court as to upto what extent the applicant in connivance with her father Harendra Singh Mann had been instrumental in commission of the offence as complained of in the FIR, is a matter which is yet to be decided by the learned trial Court. Since this has become quite a prevalent menace and such type of an activity is quite common in public, due to employment of young masses, this Court is not inclined to accept the Compounding Application or the C482 Application. The same would, accordingly, stand dismissed. The trial to proceed and decide the factual controversy on its own merits. (Sharad Kumar Sharma, J.) 20.10.2023 Mahinder/
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