

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.2473 of 2023 <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. B. M. Pingal, learned counsel for the applicant. 2. Mr. Saurabh Pandey, learned Brief Holder assisted by Ms. Meenakshi Sharma, learned Brief Holder for the State. 3. Mr. Subhash Chandra Joshi, learned counsel for respondent nos. 2 and 3. 4. The present application is preferred under Section 482 of Cr.P.C., which is supported with the compounding application as well as the affidavits of the present applicant and the respondents Sonia Mittal and Ishika Mittal. 5. The applicant is present in person in the Court. So far as the respondent nos.2 and 3 are concerned, they appeared through video conferencing. They are identified by their respective counsel through their Aadhaar Cards. 6. The respondent no.3 is the victim and the respondent no.2 is her mother, who lodged the FIR against the applicant, wherein after investigation, chargesheet was filed and now the present applicant is facing the trial for the offences punishable under Sections 452 and 354 IPC, which is pending in the Court of Additional Chief Judicial Magistrate, Rishikesh, District Dehradun. 7. This Court interacted with the informant, who is the respondent no.2, as well as the victim, the respondent no.3, and on interaction, they submit that, in fact, the applicant is a close friend of the husband of the respondent no.2. The respondent no.2 submits that only due to some

			misunderstanding, since she was not in the house at the relevant time, and on the instigation of some other persons, she lodged the FIR, but, in fact, the allegations, as alleged in the FIR, are not true. 8. The respondent no.2 also tendered the apology for lodging this FIR. This Court also interacted with the victim, and she also submits that nothing happened on the date of the alleged incident. 9. This Court also interacted with the present applicant, and he submits that the husband of the respondent no.2 is his close friend and due to this, he regularly visits their house, and nothing had happened on said date. 10. The compounding application has been moved with this contention that only due to some misunderstanding, the FIR has been lodged and now the respondent nos. 2 and 3 submit that they do not want to proceed with the case, and even otherwise, since the respondent nos. 2 and 3 submit that nothing had happened on the date of the alleged incident, there is no useful purpose to continue the proceedings of Criminal Case No.474 of 2023. 11. Learned State Counsel submits that the offence punishable under Section 354 IPC was earlier compoundable, but, after amendment, the offence is not compoundable. The offence punishable under Section 452 is also not compoundable. He further submits that since now the respondent nos. 2 and 3 do not want to pursue the case because due to some misunderstanding, the FIR was lodged, therefore, there is no useful purpose for the continuation of these proceedings. Hence, on this aspect, the offences may be compounded, though the offences are not compoundable.
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			12. After taking into consideration the arguments, as advanced by learned counsel for the parties and submissions as advanced by learned State Counsel, this Court is of the view that the compounding application deserves to be allowed. 13. Accordingly, the compounding application is allowed. 14. Consequently, the proceedings of Criminal Case No.474 of 2023 for the offences punishable under Sections 452 and 354 IPC, which is pending in the Court of Additional Chief Judicial Magistrate, Rishikesh, District Dehradun, are quashed. 15. The C482 application stands disposed of, accordingly. (Rakesh Thapliyal, J.) 28.12.2023 Reena
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