

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.2139 of 2022 <u>Hon'ble Siddhartha Sah, J.</u> Mr. D.C.S. Rawat, Advocate for the applicant. Mr. Chitrartha Kandpal, Brief Holder for the State/respondent nos.1 and 2. Mr. B.M. Pingal, Advocate for the victim/respondent no.3. The present C482 application has been filed seeking quashing and setting aside the entire proceedings of Criminal Case No.893 of 2022 (Case Crime No.55 of 2022), under Section 376 of IPC, P.S. Khatima, District Udham Singh Nagar, pending before the learned Additional Chief Judicial Magistrate, Khatima, District Udham Singh Nagar. Heard learned counsel for the parties and perused the record. Today, the case is listed on Compounding Application (IA No.2 of 2026). During the pendency of the present application, the Compounding Application has been filed on behalf of the applicant and the respondent no.3 seeking quashing of the entire proceedings in league with the summoning order dated 24.06.2022 passed by the learned Additional Chief Judicial Magistrate, Khatima, District Udham Singh Nagar in Criminal Case No.893 of 2022 (Case Crime No.55 of 2022), State vs. Deepak Shukla, under Section 376 of IPC, P.S. Khatima, District Udham Singh Nagar. The Compounding Application is duly supported by an affidavit of the respondent no.3/victim/complainant. In the compounding application, it has been categorically stated that during the pendency of trial, the parties amicably resolved their disputes. The respondent no.3- Anita Chaurakoti got married to one Mahesh Nagar on 23.02.2025 and is currently residing

		at Govindgarh Dhodsar District Jaipur, Rajasthan. The petitioner-Deepak Shukla and the respondent no.3-Anita Chaurakoti are present in Court duly identified by their respective counsel Mr. D.C.S. Rawat and Mr. B.M. Pingal, Advocates for the applicant and respondent no.3, respectively. On an interaction, respondent no.3 states that she does not wish to prosecute the applicant any further and wishes to put a quietous to the matter and the offence under Section 376 of IPC be compounded. She further states that she has filed the compounding application out of her free will and accord and without any pressure from any quarter whatsoever. Affidavit has also been filed on behalf of the applicant. In the compounding application, it has been submitted that the applicant is also happily married with one Sonali D/o Dwarika Prasad according to Hindu rites and rituals and the applicant and his wife have also been blessed with a daughter on 29.11.2025 and both the parties to the dispute are respectively living their marital lives happily and not inclined to interfere in the matrimonial life of each other and thus pray that the compounding application be allowed. Learned Brief Holder would submit that the matter is of Section 376 IPC and as such, the same cannot be compounded in exercise of power under Section 482 of Cr.P.C. On this, learned counsel for the applicant would submit that from the FIR, it is evident there was consensual relationship between the applicant and respondent no.3 and does not fall within the ambit of Section 376 of IPC. Now, the parties have resolved their disputes, whatsoever, amicably and as such, Section 376 of IPC would not be attracted. He would further rely upon the order dated 12.01.2023 passed by a Coordinate Bench in WPCRL No.2104 of 2022 wherein in identical circumstances the FIR under Sections 376, 504 and 506 of IPC was quashed. He would further rely upon the judgment of this Court dated 05.06.2025 passed in Criminal Miscellaneous Application No.161 of 2023, Ashish Sharma vs. State of Uttarakhand and another, wherein also the
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		compounding application for offence under Section 376 of IPC was allowed and the summoning order under the said Section was quashed. Although the learned Brief Holder states that the offences are non compoundable, but in view of the law laid down by Hon'ble the Apex Court in the case of Gian Singh vs. State of Punjab, 2012 (10) SCC 303, Dimpey Gujral vs. Union Territory, Chandigarh, (2013) 11 SCC 497, B.S. Joshi vs. State of Haryana, (2003) 4 SCC 675, Nikhil Merchant vs. CBI, (2008) 9 SCC 677, compounding is permissible in non compoundable offences in deserving cases. In the present case, it is evident from the affidavit of the victim that she is married and is happily settled with her life & does not wish to prosecute the applicant. In the compounding application, it is clear that the applicant too has married and is settled in his life. At this juncture, permitting the matter to go for trial may be futile exercise. In such view of the matter, the Compounding Application deserves to be allowed. The offence under Section 376 IPC is permitted to be compounded. As a result, the summoning order dated 24.06.2022 & the entire proceeding before the learned Additional Chief Judicial Magistrate, Khatima, District Udham Singh Nagar in Criminal Case No.893 of 2022 (Case Crime No.55 of 2022), State vs. Deepak Shukla, under Section 376 of IPC, P.S. Khatima, District Udham Singh Nagar, are hereby quashed. The C-482 application stands disposed of accordingly. All pending application, if any, stands disposed of accordingly. (Siddhartha Sah, J.) 19.06.2026 Ravi
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