

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			C-482 No. 1942 of 2022 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. M.K. Ray, Advocate, for the applicant. Mr. Atul Kumar Sah, learned Deputy Advocate General along with Ms. Mamta Joshi, Brief Holder for the State of Uttarakhand. Mr. Vinay Singh Chauhan, Advocate for respondent no. 2. Being conscious of the fact, that the offences, for which the Special Session Trial No. 45 of 2020, "State Vs. Anees", is being under taken, by the court of learned F.T.C./Additional Sessions Judge/Special Judge (POCSO), Rudrapur, Udham Singh Nagar, are for the offences under Sections 363, 366, 376 of I.P.C., and 5/6 of the Protections of Children from Sexual Offences, 2012, which are not compoundable under Section 320 of the Code of Criminal Procedure. Today, a compounding application being IA 1 of 2022, has been filed by the parties. The applicant-Anees@Anees Raza and, complainant-respondent no.2, Varsha, are present in person, and they have been duly identified by their respective counsel.

		This Court had even interacted with the victim-complainant, who submitted before the Court, that she does not want to prosecute the present applicant any further. Perusal of the record reveal that all the offences, which are complained of against the present applicant, are not compoundable, under Section 320 of the Cr.P.C., but this Court cannot be ignorant of the fact, that owing to the averments made in the compounding application to the effect, that the applicant has solemnized another marriage, with the daughter of his maternal uncle, and that the victim-respondent no.2, has been married with one Mr. Arjun, and both of them, are independently and happily discharging their matrimonial obligations, at this stage, permitting the aforesaid sessions trial to continue, will ultimately result into spoiling two units of family, of the applicant and the complainant-respondent no.2 also. Since, both of them have married, and at this stage, when they have entered into the marriage, they are major, in that eventuality, their status on the date of commission of the offences on 15.11.2020, has had to be overlooked, in order to maintain harmony amongst the family, with
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which, each of the parties to the present C-482 application, had been married.

In that eventuality, while exercising the inherent powers under Sections 482 Cr.P.C, this Court is of the view that continuance of the Special Session Trial No. 45 of 2020, “State Vs. Anees”, would ultimately result into spoiling of the life of two families, and particularly when the victim-respondent no.2, has made a statement before this Court, that she does not intends to prosecute the present applicant any further.

Owing to the aforesaid fact that she too had already married and, is residing separately, this Court is of the view that it will absolutely be a fruitless exercise to continue with the aforesaid special sessions trial, when the parties have resolved their dispute independently.

In view of aforesaid, though without creating any precedent in future, the Special Session Trial No. 45 of 2020, “State Vs. Anees”, would hereby stand dropped, and accordingly, the C-482 application, would stand disposed of.

Compounding application also stand disposed of, accordingly.

(Sharad Kumar Sharma, J.)

21.10.2022