

C482 No. 114 of 2021

**Hon'ble Sharad Kumar Sharma, J.**

Mr. S.K. Mandal, Advocate for the applicant.

Mr. J.S. Virk, Deputy Advocate General with  
Mr. Rakesh Kumar Joshi, Brief Holder for the State  
of Uttarakhand/respondent no. 1.

Mr. Ajeet Kumar Yadav, Advocate for  
respondent no. 2/complainant.

Heard learned counsel for the parties.

The present C482 application has been  
preferred by the applicant for the following reliefs:

"It is therefore most respectfully prayed that this Hon'ble Court may be pleased to allow this application and quashing and set aside the Session Trial No. 103 of 2020, State of Uttarakhand Vs. Arshdeep, arising out of FIR No. 158 of 2020, under Section 376/506 IPC, P.S. Khatima, District Udham Singh Nagar pending before the Court of FTSC/Additional Session Judge, Rudrapur, Udham Singh Nagar, on the basis of the settlement and compromise made between the parties, to secure the end of justice.

It is further prayed that during the pendency of this application before this Hon'ble Court stay the further proceedings of Session Trial No. 103 of 2020, State of Uttarakhand Vs. Arshdeep, arising out of FIR No. 158 of 2020, under Section 376/506 IPC, P.S. Khatima, District Udham Singh Nagar pending before the Court of FTSC/Additional Session Judge, Rudrapur, Udham Singh Nagar, on the basis of the settlement and compromise made between the parties, or pass such and further order which this Hon'ble Court may deem fit and proper in the circumstances of the case."

The set of allegation, which was leveled, as against the present applicant, was emanating from the registration of an F.I.R. No. 158 of 2020,

which was lodged by the respondent no. 2, for allegedly commission of offences under Section 376 & 506 of I.P.C., which was registered at P.S. Khatima, District Udham Singh Nagar.

Consequent to the submission of the charge-sheet and cognizance being taken by the Court, a Sessions Trial No. 103 of 2020, "State Vs. Arshdeep", is pending consideration before the Court of F.T.S.C./Additional Sessions Judge, Rudrapur, District Udham Singh Nagar.

The C-482 application is accompanied with an application, under Section 320 of Cr.P.C., seeking composition of the offence, on the grounds narrated therein to the effect that, subsequent to the aforesaid incident and the commencement of the trial, the complainant as well as the applicant have solemnized their marriage and they were married on 21.12.2020, which was later on also got registered from the Registrar, Compulsory Registration of Marriages Act, 2005. The said Registration Certificate dated 19.01.2021 is also on record.

Parties to the Compounding Application are present in person and, in particular, the complainant, who has been duly identified by her counsel, had made a categorical statement that she has voluntarily solemnized the marriage with the accused-applicant to the C482 application and, now, they are happily discharging their matrimonial obligations and she does not want to

further prosecute the present applicant in the Sessions Trial, which is pending consideration before the Court, as referred above.

In support of this contention, apart from the fact that this aspect was already settled down by the Punjab & Haryana High Court in the case of "Dimpey Gujral Vs. Union Territory of Chandigarh", (Transfer Petition (Criminal) No. 115 of 2012) decided on 06.12.2012, as dealt by this Court in the matter reported in (2018) 2 UD 680, "Pan Singh Rana Vs. State of Uttarakhand". Besides this, another Co-ordinate Bench of this Court, in a Criminal Misc. Application No. 504 of 2020, was also seized with an identical situation, which entailed the considerations of the impact of the offence under Section 376 and, the effect of it, subsequent marriage.

In view of the aforesaid, the Compounding Application (I.A. No. 2 of 2021) would stand allowed and, as a consequence thereto, the Criminal Misc. Application would also stand allowed and the proceedings of the Sessions Trial No. 103 of 2020, "State of Uttarakhand Vs. Arshdeep", which is pending consideration before the Court of F.T.S.C./Additional Sessions Judge, Rudrapur, District Udham Singh Nagar, would stand quashed.

**(Sharad Kumar Sharma, J.)**  
**Vacation Judge**