



THE HIGH COURT OF SIKKIM : GANGTOK
(Criminal Jurisdiction)

SINGLE BENCH: THE HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE

Crl. M.C. No. 01 of 2023

1. Chanda Subba,
W/o Rajendra Dhakal,
Aged 34 years,
R/o Pakyong Bazar, near Post Office,
Pakyong District-737 106.
2. Rajendra Dhakal,
S/o Januka Dhakal,
Aged 32 years,
R/o Pakyong Bazar, near Post Office,
Pakyong District-737 106.

..... Petitioners

Versus

State of Sikkim.

.....Respondent

**Application under section 482 of the Code of Criminal Procedure,
1973**

*for quashing of the FIR bearing No.12/2022, dated 11.04.2022 and
proceedings in G.R. Case No. 168/2022 and titled as State of Sikkim
vs. Chanda Subba pending before the learned Court of the Chief
Judicial Magistrate, Gangtok, Sikkim.*

Appearance:

Mr. Pramit Chhetri, Ms. Bhawana Chettri, Mr. Rupesh Chettri, Advocates for the Petitioners.

Mr. Thinlay Dorjee Bhutia, Public Prosecutor for the Respondent.

Date of hearing : 07.06.2023

J U D G M E N T (O R A L)

Bhaskar Raj Pradhan, J.

1. This petition under section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) arises out of First



Information Report (FIR) bearing No.12/2022 dated 11.04.2022 which led to GR Case No.168/2022 wherein after investigation charge-sheet has been filed against the petitioner no.1 for assault on the petitioner no.2 on 10.04.2022. The accused is the petitioner no.1 and wife of the petitioner no.2 who is the husband and the victim. The FIR was lodged by the mother-in-law of the petitioner no.1. It was alleged that the petitioners got into a physical conflict and the petitioner no.1 used a sharp weapon and injured the petitioner no.2, who is undergoing treatment. The report under section 173 Cr.P.C. was filed by the Investigating Officer stating that on his investigation a prima facie case under section 326 of the Indian Penal Code, 1860 (IPC) is made out against the petitioner no.1. Charges are yet to be framed and matter is pending before the Court of the learned Chief Judicial Magistrate, Gangtok. The medical report filed along with the charge-sheet reflects that the petitioner no.2 suffered laceration over dorsum of the left hand (little finger) along with tendon rupture and a superficial cut over the scalp (back side) of approximately 5 cm. which according to the Medical Officer's opinion was grievous hurt.

2. The present petitioner is accompanied by an agreement dated 08.03.2023 between the petitioners as well as the mother-in-law of the petitioner no.1 who was



the complainant. According to the agreement the petitioners are legally married and out of their wedlock they have a minor child. It is stated that they have decided to amicably settle the entire dispute and bury their differences that occurred due to the heat of the moment. It is also stated that petitioner no.2 has forgiven the act of petitioner no.1 which led to the filing of the FIR. The petitioners repent their differences and state that they shall not repeat any such act in the future that would cause prejudice to their matrimonial relation and the minor child. The complainant has also stated in the agreement that she has no objection if the petitioner amicably settle their differences. The agreement has been signed by all the three parties in the presence of witnesses.

3. A perusal of the charge-sheet and the statement of witnesses recorded by the police reflect that the incident occurred due to certain differences between the petitioners and the injury, according to the petitioner no.2's statement, was not intentional. On the direction of this court dated 20.04.2023 the petitioners are personally present and have been interviewed extensively. It is evident that the petitioner no.1 is repentant and in fact as they state she is also pregnant with another child. Keeping the totality of the facts and circumstances of the present case this court considers it a fit case to exercise power under section 482



Cr.P.C. and quash the criminal proceedings pending before the learned Chief Judicial Magistrate, Gangtok, permit them to bury their differences and live a happy married life together. It is accordingly so ordered. Pending application is also disposed of.

4. The petition is allowed.

5. In the facts and circumstances of the case, no orders as to costs.

(Bhaskar Raj Pradhan)
Judge

Approved for reporting : **Yes**
Internet : **Yes**
to/