

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

CRIL.PETN. No. 31 of 2022

Okram Johnson Singh, aged about 23 years, S/o Okram Jibon Singh, a resident of Nambol Sabal Leikai, PO & PS Nambol, Dist : Bishnupur, Manipur.

....Petitioner

- Versus -

1. The State of Manipur represented by the Commissioner/Secretary (Home) to the Government of Manipur at the Secretariat Complex, Babupara, Imphal West District, Manipur – 795001.
2. The Officer-in-Charge of the Nambol Police Station, Nambol, P.O. & P.S. Nambol, Bishnupur District, Manipur, PIN : 795134.

...Principal Respondents

3. Maibam Kiran Meitei, aged about 36 years S/o Maibam Kulabi Meitei, a resident of Wahengkhuman Maning Leikai, P.O. Nambol, P.S. Wangoi, Bishnupur District, Manipur, PIN : 795134.
4. L. Saratchandra Singh, aged about 58 years, S/o (Late) L. Mani Singh, a resident of Khundrakpam Makha Leikai, P.O. Pangei, P.S. Heignang, Imphal East District Manipur, PIN : 795114, Commander-in-Charge, TCP – Nambol.

...Proforma Respondents

**BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

09.06.2023

[1] Heard Mr. Leo Rommel S., learned counsel along with Mr. Birendrajit, learned counsel for the petitioner, Mr. Y. Ashang, learned PP for the State Respondent Nos.1 & 2 and Mr. Th. Sanachouba, learned counsel for respondent Nos.3 & 4.

[2] The present petition under Section 482 Cr.P.C. has been filed by the petitioner herein for quashing the proceeding of FIR No.73(10)2019 Nambol Police Station under Section 325/353 of IPC lodged by the respondent No.4 and keeping in abeyance of the proceeding arising out of the said FIR being Cril. (P) No.10 of 2021 pending before the Court of Learned JMFC, Bishnupur.

[2.1] The main ground in the present petition is that the petitioner who is the accused in the FIR and Respondent No.3, the victim and the respondent No.4, Commander-in-Charge, TCP – Nambol entered into a deed of compromise dated 15.07.2022 stating that the parties have reached an amicable settlement and decided to withdraw the complaint made against the petitioner.

[3] Mr. Leo Rommel S., learned counsel for the petitioner submits

that since a compromise is made, the criminal proceeding pending before the Learned JMFC, Bishnupur has become infructuous and may be quashed by this Court exercising the inherent hindrance power under Section 482 of the Cr.P.C.

[4] Mr. Th. Sanachouba, learned counsel for Respondent Nos.3 & 4 submits that since a compromise has been made between the parties, further criminal proceeding is not warranted and this Court may pass appropriate order.

[5] Mr. Y. Ashang, learned PP for the State submits that for compromise, the accused has to approach the Trial Court for compounding of the offence under Section 320 of the Cr.P.C. and it is also submitted that since the matter is at the fag end of the trial, this Court ought not to exercise the power of the Section 482 Cr.P.C. for quashing the trial which is about to be completed.

[6] Mr. Leo Rommel S., learned counsel for the petitioner refers to the decision while ***Hon'ble Supreme Court in the case of B.S. Joshi Vs. State of Haryana, (2003) 4 SCC 675*** wherein, it is stated that the inherent power of High Court under Section 482 of the Cr.P.C. is not controlled by the provisions of Section 320 of the Cr.P.C. and this Court has enough power to exercise the inherent jurisdiction at any stage of the proceeding.

[6.1] During the course of hearing, Mr. Leo Rommel S., learned

counsel for the petitioner submits that vide order dated 13th March, 2022, the Ld. JMFC, Bishnupur framed charge under Section 332 of IPC against the petitioner herein for causing hurt and disturbing public servant while discharging his duty.

[6.2] In the FIR, the offences are under Section 325 and 353 of IPC. During the course of hearing, Mr. Leo Rommel, learned counsel for the petitioner has further produced deposition of the respondent No.3 (the victim) recorded before the Trial Court and in the cross-examination, it is stated that the petitioner did not cause any physical assault to respondent No.3 and did not give any hindrance while discharging his duty. The stage of the trial is for examination of the accused.

[7] Considered the rival submissions of the parties, perused the documents produced on record and the case law cited.

[7.1] Since the trial is at the stage of examination of the accused under Section 313 Cr.P.C., this Court is not inclined to exercise the inherent power under Section 482 of Cr.P.C. However, the Trial Court may consider all the materials available on record.

[8] Mr. Leo Rommel S., learned counsel for the petitioner submits that this Court may direct the Ld. JMFC, Bishnupur to expedite the trial as the petitioner has been appointed to a Government job and the continuation of the proceeding will be hindrance to his service.

[9] In the circumstances, the Ld. JMFC, Bishnupur is directed to complete the trial preferably within 2(two) months from the date of receipt of copy of this order.

[9.1] With these observation and direction, the petition being Cril. Petn. No.31 of 2022 is disposed of. No cost.

[10] Copy may be furnished to the learned counsels appearing for the parties.

[10.1] Send a copy of this order to the Ld. JMFC, Bishnupur for necessary action.

JUDGE

- *Larson*