

GAHC040000182023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : Crl.Petn. 1/2023

1: Marnya Bagra and 2 Ors.
S/o Shri Dumar Bagra,
Permanent Resident of Village Higi Bagra, PO Bagra and PS Aalo, West Siang
District, Arunachal Pradesh.

2: Tapung Rigom
S/o Shri Ashing Rigom

Permanent Resident of Village Lumdung
PO and PS Seppa
East Kameng District
Arunachal Pradesh.

3: Tasuf Rigom
S/o Shri Tayem Rigom

Permanent Resident of Village Lumdung
PO and PS Seppa
East Kameng District
Arunachal Pradesh

VERSUS

1: THE STATE OF AP
Through the Public Prosecutor, Arunachal Pradesh.

Advocate for the Petitioner : T Tayeng

Advocate for the Respondent : P P of AP

**BEFORE
HONBLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 16.01.2023

Heard Mr. T. Tayeng, learned counsel for the petitioners. Also heard Mr. T. Ete, learned Additional Public Prosecutor for the state of Arunachal Pradesh.

This application filed under Section 482 of the Code of Criminal Procedure, 1973 praying for quashing and setting aside the FIR dated 26.11.2021 in respect of Pappu-Hill P.S Case No. 20/2021 under Sections 279/337 of the Indian Penal Code.

On 26.11.2021 at about 1350 hours, one Nissan Sunny Car bearing registration No. AR-01F-0014 driven by the first petitioner Shri Marnya Bagra had hit the motor cycle bearing registration No. AS-22-6878 driven by the second petitioner Shri Tapung Rigom, the accident caused injuries to Shri Tapung Rigom. The FIR was lodged by the third petitioner Shri Tasuf Rigom, the brother of the second petitioner Shri Tapung Rigom.

Finally on the conclusion of the investigation police filed a chargesheet under Sections 279/337 of the Code of Criminal Procedure.

Now both sides have comprised the matter and jointly filed this present application praying for quashing of the proceeding. It has also been submitted that the offences under Sections 279/337 of the Indian Penal Code are not compoundable and this fact has laid the petitioners to come to this Court under Section 482 of the Code of Criminal Procedure. I have given my anxious considerations to the submissions of the learned counsels of the both sides.

The power under Section 482 of the Code of Criminal Procedure is inherent power of the high court, this power is exercised for preventing abuse of the process of the Court.

Under given circumstances of the case, this Court is of the opinion that since both sides have compromised the matter there is no possibility of conviction in this case. Therefore, allowing the criminal proceeding to continue in the trial court would be nothing but an abuse of the process of the Court. Therefore, this Court finds that this is a fit case for exercising the power under Section 482 of the Code of Criminal Procedure.

Accordingly, the criminal petition is allowed, the FIR dated 26.11.2021 in respect of Pappu-Hill P.S. Case No. 20/2021 and the connected proceeding i.e., G. R. Case No. 1149/2022 stands quashed.

The criminal petition disposed of accordingly.

JUDGE

Comparing Assistant