

GAHC040000382023



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

Case No. : Crl.Petn. 7/2023

1:Meram Venia and 2 Ors.
W/o Shri Sonam Venia,
R/o Dudey Village, Karsingsa, PO/PS Banderdewa, District Papum Pare, Arunachal Pradesh.
Mobile No. 8453850169

2: Mery Venia
W/o Shri Sonam Venia

R/o Karsingsa Tinali
PO/PS Banderdewa
District Papumpare
Arunachal Pradesh.
Mobile No. 6009516788

3: Assum Takam Venia
W/o Shri Sonam Venia

R/o Lower Tapik Colony
Karsingsa
PO/PS Banderdewa
District Papumpare
Arunachal Pradesh

VERSUS

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

Advocate for the Petitioner : Khoda Tama

Advocate for the Respondent : P P of AP

**BEFORE
HONBLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 18.01.2023

Heard Mr. K. Tama, learned counsel appearing 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 proceeding G. R. Case No. 414/2020 pending in the Court of Chief Judicial Magistrate, Yupia, Papum-Pare District, Arunachal Pradesh.

There are three petitioners who are the wives of Shri Sonam Venia.

The petitioner Smti. Assum Venia lodged an FIR before police alleging that the petitioners, namely, Smti. Meram Venia & Smti. Mery Venia have committed theft in her house. She has specifically alleged that on 06.07.2020 Smti. Meram Venia & Mery Venia had entered into her house, opened almirahs which contained cash money, valuable ornaments and some important documents. On the day Smti. Assum Venia could not enter into her house to ascertain what were actually stolen.

The second allegation is that on 01.05.2020 Smti. Meram Venia & Smti. Mery Venia had bitten her and snatched away the mobile phone.

On 07.07.2020 Smti. Meram Venia & Mery Venia came to her house to physically assault her but since she was absent on that day nothing happened. On 03.07.2020 Smti. Meram Venia again assaulted her on the road.

During the trial of the case Smti. Assum Venia was examined by prosecution. She has stated in her evidence that from her house some documents and a cash amount of Rs. 5,000/ (Rupees Five thousand) only were also found missing.

Be that as it may. Now all the three wives have joined together and filed this application stating that they have compromised the matter between themselves and they are no longer interested in proceeding further of the case. Since some of the offences are not compoundable that is why the present application under Section 482 have been filed.

I have gone through the evidence of Smti. Assum Venia and the statements of some witnesses which were recorded under Section 161 of the Code of Criminal Procedure.

The power under Section 482 of the Code of Criminal Procedure is the extra-ordinary power of the high court for preventing misuse of the process of the Court.

This Court is of the opinion that there is no possibility of the future 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. Therefore, the criminal petition is allowed, the criminal proceeding in respect of G. R. Case No. 414/2020 arising out of Itanagar P.S. Case No. 156/2020 presently pending before the Court of Chief Judicial Magistrate, Yupia is set aside.

The criminal petition is disposed of accordingly.

JUDGE

Comparing Assistant