

GAHC040002532023



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

Case No. : Crl.Petn. 26/2023

1: Tagru Tama and Anr.
S/o Shri Tagru Taha,
Permanent Resident of Village Nyomin, PO/PS Tali, District Kra Dadi, Arunachal Pradesh.
Mobile No. 9383033485

2: Tagru Para
W/o Shri Tama Tagru

Permanent Resident of Village Nyomin
PO/PS Tali
District Kra Dadi
Arunachal Pradesh.
Mobile No. 961520385

VERSUS

1: THE STATE OF AP
Through the Public Prosecutor.

Advocate for the Petitioner : D Yoka

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE NANI TAGIA

ORDER

Date : 07-03-2023

Heard Ms. D. Yoka, learned counsel for the petitioners and Mr. T. Ete,

learned Additional Public Prosecutor for the State of Arunachal Pradesh.

2. This application under Section 482 of the Code of Criminal Procedure, 1973, has been filed for quashing of the Charge-sheet no. 66/2020, under Sections 498(A)/323 IPC, in connection with G.R. Case No. 331/20, pending before the Court of learned Judicial Magistrate First Class, Itanagar, Capital Complex, Yupia, which had arisen out of Itanagar Women P.S. Case No. 38/2020, under Sections 498(A)/323 IPC, contending that the accused/petitioner no. 1 and the complainant/petitioner no. 2 are husband and wife, who have settled their differences amicably by a Deed of Settlement agreement entered into between the parties on 13.09.2022 at Yupia (Annexure-IV).

3. Itanagar Women P.S. Case No. 38/2020, under Sections 498(A)/323 IPC was registered on an F.I.R., dated 27.05.2020, lodged by the petitioner no. 2 against the petitioner no. 1 before the Officer-in-charge, Nirjuli Police Station, which was subsequently, forwarded to Itanagar Women Police Station, alleging that the petitioner no. 1 had hit on the head of the petitioner no. 2 with a sharp object and injured the body. On completion of the investigation, a Charge-sheet, dated 30.10.2020, under Sections 498(A)/323 IPC, was filed before the Court of learned Chief Judicial Magistrate by the Investigation Officer by a forwarding letter, dated 23.11.2020.

4. Though by an order of this Court, dated 24.02.2023, the trial of the G.R. Case No. 331/20, pending before the Court of learned Judicial Magistrate First Class, Yupia, was stayed, the LCR of the G.R. Case No. 331/20, was not called for by this Court.

5. Ms. Yoka, learned counsel for the petitioners, however, submits that Charges under Sections 498(A)/323 IPC has been framed by the learned Court below against the accused petitioner no. 1 and the trial of the G.R. Case No. 331/20 has commenced. She further submits that since the accused and the complainant are husband and wife having 5 (five) minor children who have amicably resolved the differences by a Deed of Settlement agreement, dated 13.09.2022, the criminal proceeding pending against the accused before the Court of learned Judicial Magistrate First Class, Yupia, be quashed.

6. Mr. T. Ete, learned Additional Public Prosecutor submits that considering the fact that the case pending trial before the learned Court of Judicial Magistrate First Class, Yupia, is between the husband and a wife and since, both the petitioners who are husband and wife have settled their differences by a Deed of Settlement, dated 13.09.2022, he has no objection if the criminal proceeding pending against the petitioner no. 1/accused is quashed by this Court in exercise of Power under Section 482 of the Cr.P.C.

7. Having heard the learned counsels appearing for the parties and also taking note of the fact that the petitioners, who are the accused and the complainant, are husband and wife, having 5 (five) minor children and the differences between them have been amicably resolved by a Deed of Settlement, dated 13.09.2022 and also having taken note of the law laid down by the Hon'ble Supreme Court in the case of ***the State of Madhya Pradesh Vs. Laxmi Narayan and Others***, reported in ***(2019) 5 SCC 688***, wherein, it has been held that in a case arising out of matrimonial dispute, where the parties have amicably resolved their differences, the Court in exercise of power under Section

482 of the Code of Criminal Procedure, 1973, may quash the criminal proceeding, this criminal petition is allowed.

8. Accordingly, the the Charge-sheet No. 66/2020, under Sections 498(A)/323 IPC, in connection with G.R. Case No. 331/20, pending before the Court of learned Judicial Magistrate First Class, Itanagar, Capital Complex, Yupia, which had arisen out of Itanagar Women P.S. Case No. 38/2020, under Sections 498(A)/323 IPC, is hereby set aside and quashed.

JUDGE

Comparing Assistant