

GAHC040004952023



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

**Case No. : Crl.Petn./61/2023**

Cholingso Kora  
S/o Shri Toralum Kora,  
Village Khoraliang, PO/PS Tezu, Lohit District, Arunachal Pradesh.  
Ph. No. 9612520610

VERSUS

THE STATE OF AP and Anr.  
Represented through the Learned Public Prosecutor.      2:Angrimso Kri  
Age: 0  
Occupation

**Advocate for the Petitioner** : Mr. Dugmar Kamduk  
Mr. Mipe Ete

**Advocate for the Respondent** : Ms. T. Jini, Addl.P P of AP  
Mr. T. Taggu, for R-2

**:::BEFORE:::**  
**HON'BLE MRS. JUSTICE MITALI THAKURIA**

**ORDER (ORAL)**

**03.08.2023**

Heard Mr. D. Kamduk, learned counsel for the petitioner. Also heard Ms. T. Jini, learned Additional Public Prosecutor for the State respondent and Mr. T. Taggu, learned counsel for the respondent No. 2.

**2.** This is an application under Section 482 of the Code of Criminal Procedure, 1973, praying for quashing and setting aside the criminal proceeding in respect of the present petitioner, namely, Shri Cholingso Kora, in connection with G.R. Case No. 46/2009, corresponding to Tezu P.S. Case No. 46/2009, under Sections 341/149/323 of the Indian Penal Code, which is pending before the Court of learned Chief Judicial Magistrate, Tezu.

**3.** It is submitted by the learned counsel for the petitioner, Mr. Kamduk, that the present petitioner is no way connected with the alleged offence. However, only to harass him, the present F.I.R. was lodged by the respondent No. 2. There was some scuffle took place between the parties during the election time.

But, during the pendency of the present petition, both the petitioner and the respondent No. 2 entered into a mutual settlement agreement on 14.07.2023 and accordingly, considering the mutual agreement between the parties, viz-a-viz the other aspects of the case, the present petition may be allowed by invoking the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure by setting aside and quashing the criminal proceeding in G.R. Case No. 46/2009, corresponding to Tezu P.S. Case No. 46/2009, under Sections 341/149/323 of the Indian Penal Code, pending before the Court of learned Chief Judicial Magistrate, Tezu.

**4.** In this context, Ms. T. Jini, learned Additional Public Prosecutor, submits that as the matter has already been compromised between the parties, the State has no objection in the event the petition is allowed by quashing the said criminal proceeding. However, she submitted that the present petition is filed only on behalf of Shri Cholingso Kora and hence, the petition may be allowed for quashing the criminal proceeding in G.R. Case No. 46/2009 only in respect of the present petitioner.

**5.** Mr. T. Taggu, learned counsel appearing on behalf of the respondent No. 2, also submitted that the matter has already been settled between the parties and one deed of settlement is also executed on 14.07.2023 and hence, he has no objection if the present petition is allowed.

**6.** Considering the submissions made by the learned counsels appearing for

the parties and the nature of offence, viz-a-viz the settlement agreement arrived at between the parties, I find that this is a fit case to exercise the power under Section 482 of the Code of Criminal Procedure for quashing the criminal proceeding in G.R. Case No. 46/2009 only against the present petitioner.

**7.** Accordingly, the petition is allowed. The criminal proceeding in G.R. Case No. 46/2009, corresponding to Tezu P.S. Case No. 46/2009, under Sections 341/149/323 of the Indian Penal Code, pending before the Court of learned Chief Judicial Magistrate, Tezu, in respect of the present petitioner, is hereby set aside and quashed.

**8.** However, the learned Court below shall proceed with the case in respect of the other co-accused.

**9.** In terms of above, this criminal petition stands disposed of.

**JUDGE**

**Comparing Assistant**