

GAHC040005392023



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

Case No. : Crl.Petn. 69/2023

1:Reena Miji Lamgu and Anr.
W/o Shri Rajen Lamgu,
R/o Meena Pahar, Seppa, PO/PS Seppa, Dist. East Kameng, Arunachal Pradesh,
Mobile No. 8119858870

2: Rajen Lamgu
S/o Shri Kamu Lamgu

R/o Meena Pahar
Seppa
PO/PS Seppa
Dist. East Kameng
Arunachal Pradesh. Mobile No. 923343351

VERSUS

1:THE STATE OF AP
Represented by the Public Prosecutor.

Advocate for the Petitioner : T Lamgu

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 31.05.2023

Heard Mr. T. Lamgu, learned counsel for the petitioners 'X' and 'Y'.

The petitioner are spouses and they have jointly filed this petition under Section 482 Cr.P.C, with prayer for quashing the charge-sheet No. 09/2022, in connection with G. R. Case No. 21/2022 arising out of Seppa Women P. S. Case No. 07/2022 registered under Sections 498A/324/506 IPC.

Heard Ms. T. Jini, learned Additional Public Prosecutor for the State of Arunachal Pradesh.

Both the petitioners are spouses and they have jointly filed this petition. The marriage between the petitioners was solemnized in the year 1999 and are blessed with 2 children. The first child is elder son who is 22 years old and the Second child is a daughter who is 1^{1/2} years old.

I have considered the submissions at the bar with circumspection.

It is submitted at the bar that this offence is not serious in nature and this case arose out of a marital dispute which has been amicably settled between the parties. The settlement deed executed by both the parties is marked as annexure-5 and is appended along with the petition.

The FIR unfolds that the incident which occurred in the evening of 24.03.2022 continued up to 1.00 am of 25.03.2022. It is alleged that the petitioner No. 2 mercilessly assaulted the petitioner No. 1, with intervals till the petitioner No. 1 was knocked unconscious by the assault. Again on 28.03.2022 the petitioner No. 2 suspecting the petitioner No. 1 to be involved in an extra marital affair again tortured her on 28.03.2022 and also threatened the

petitioner No. 1 with dire consequences. This impelled the petitioner No. 1 to lodge FIR against her husband. Investigation commenced and culminated into charge-sheet. The charge-sheet is annexed as annexure No. 3 and tagged along with the petition. Charge-sheet was finally laid under Sections 498A/324/506 IPC. The Statement of witnesses under Section 161 Cr.P.C. has been appended along with the petition and is marked as annexure- 3. The medical report depicts that the petitioner No. 1 sustained simple injuries caused by blunt force impact.

Both the parties have amicably settled their dispute at the initial stage. Trial is yet to commence. This dispute is pre-dominantly private in nature.

Both the parties are willing to stay under the same roof and also at present they are living together as husband and wife. Possibility of conviction appears to be remote and bleak. Further proceeding will indeed be an abuse of the process of the court.

In view of the foregoing discussions, the charge-sheet No. 09/2022, in connection with G. R. Case No. 21/2022 arising out of Seppa Women P. S. Case No. 07/2022 registered under Sections 498A/324/506 IPC is hereby set aside and quashed.

In terms of the above observation, the criminal petition stands disposed of.

JUDGE

Comparing Assistant