

GAHC040005592023



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

**Case No. : Crl.Petn. 73/2023**

1: Api Tatak Gadi @ Yadel and 2 Ors.  
W/o Tori Gadi,  
Permanent R/o Village Deke, PO/PS Tirbin, District Lepa Rada, AP.  
Present Address RCC Rented House of Prof. Blange near New Galaxy Academy, NH  
415, PO/PS Nirjuli, District Papum Pare, Arunachal Pradesh.

2: Putum Kambu  
S/o Lt. Bimpu Kambu

Permanent Resident of Village Rise  
PO/PS Liromoba  
District West Siang  
AP.  
Present Address Qtr No. 4/T-IV  
Horticulture Colony  
Chimpu Itanagar  
AP

3: Karyom Noshi  
F/o Miss Mirik Noshi

Permanent Add Village Ruyi Near Donyi Polo College.  
West Siang District  
A

VERSUS

1: THE STATE OF AP  
Representing through the Public Prosecutor.

**Advocate for the Petitioner : Teto Taba**

**Advocate for the Respondent : P P of AP**

**BEFORE  
HONBLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

**ORDER**

**Date : 29-05-2023**

- 1.** Heard Mr. B. Taba, learned counsel for the petitioners namely, [1] Smt Api Tatak Gadi @ Yadel [2] Shri Putum Kambu and [3] Shri Karyom Noshi.
- 2.** Heard Ms. L. Hage, learned Addl. P.P. for the respondent.
- 3.** I have considered the submissions at the bar with circumspection.
- 4.** The petitioners namely, [1] Smt Api Tatak Gadi @ Yadel [2] Shri Putum Kambu and [3] Shri Karyom Noshi have submitted an authority letter which is marked as Annexure-5 and is appended to the petition. Shri Putum Kambu and Shri Karyom Noshi have authorized the petitioner No. 1 to file this petition u/s 482 Cr.P. An application u/s 482 Cr.PC with prayer for quashing and setting aside the proceeding of NRJ PS Case No. 55/2016 corresponding the GR Case No. 705/2016 charge-sheeted u/s 325 IPC read with Section 14 of the Child Labour Prohibition Act, 1968 has been filed by petitioner No. 1. This proceeding is pending in the court of Judicial Magistrate, 1<sup>st</sup> Class at Yupia, district Papumpare.
- 5.** The FIR unfolds that Smt. Api Tatak Gadi petitioner No. 1 had convinced Karyom Noshi that she will take care of his 8 year old daughter for better education and nurture her but to the utter shock and dismay of Karyom Noshi, his daughter was subjected to inhuman cruelty. She was assaulted and treated like a domestic help and the victim 'X' had to suffer injuries such as bleeding in her nose and ears. An FIR against the afore-mentioned incident has been lodged by Shri Putum Kambu. An investigation commenced and culminated into the afore-mentioned chargesheet. Now

both the parties have amicably settled their dispute and have executed a deed of agreement. The offences under which chargesheet has been laid against the petitioner No. 1 are not compoundable offences and so they have approached this court for quashing of the FIR.

6. The petitioner has relied on the decision of Hon'ble Supreme Court in *Narinder Singh and Another v. State of Punjab and Anr.*, reported in (2014) 6 SCC 466 wherein it was observed that –

**“ We have gone through the FIR as well which was recorded on the basis of statement of the complainant/victim. It gives an indication that the complainant was attacked allegedly by the accused persons because of some previous dispute between the parties, though nature of dispute etc. is not stated in detail. However, a very pertinent statement appears on record viz., “respectable persons have been trying for a compromise up till now, which could not be finalized”. This becomes an important aspect. It appears that there have been some disputes which led to the aforesaid purported attack by the accused on the complainant. In this context when we find that the elders of the village, including Sarpanch, intervened in the matter and the parties have not only buried their hatchet but have decided to live peacefully in future, this becomes an important consideration. The evidence is yet to be led in the Court. It has not even started. In view of compromise between parties, there is a minimal chance of the witnesses coming forward in support of the prosecution case. Even though nature of injuries can still be established by producing the doctor as witness who conducted medical examination, it may become difficult to prove as to who caused these injuries. The chances of conviction, therefore, appear to be remote. It would, therefore, be unnecessary to drag these proceedings. We, taking all these factors into consideration cumulatively, are of the opinion that the compromise between the parties be accepted and the criminal proceedings arising out of FIR No.121 dated 14.7.2010 registered with Police Station LOPOKE, District Amritsar Rural be quashed. We order accordingly.”**

**7.** Reverting back to this case it is held that trial is yet to commence in the instant case. Both the parties have amicably settled their dispute. The father of the victim has come forward to settle the dispute amicably. The informant belongs to the same clan and the informant has also come forward to settle the dispute. It appears that the probability of conviction is remote and bleak.

**8.** In view of my foregoing discussions, further proceeding will indeed be an abuse of the process of law.

**9.** The FIR No. 55/2016 dated 02.10.2016 and Charge Sheet No. 20/2016 dated 17.10.2016 and the entire proceeding of NRJ PS Case No. 55/2016 corresponding the GR Case No. 705/2016 is hereby set aside and quashed.

**JUDGE**

**Comparing Assistant**