

GAHC040005642023



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

**Case No. : Crl.Petn. 74/2023**

1:Gegum Bam and 5 Ors.

S/o Shri Liken Bam,

A Resident of Mowb II, Itanagar, PO/PS Itanagar, District Papum Pare, Arunachal Pradesh.

2: Amar Beyong

S/o Shri Pacha Beyong

A Pemanent Resident of Bamer Village

PO/PS Seppa

District East Kameng

Arunachal Pradesh.

3: Yema Weshi

S/o Shri Dadung Weshi

A Permanent Resident of Weshi Village

PO/PS Seppa

District West Kameng

Arunachal Pradesh.

4: Lota Singhi

S/o Shri Jilly Singhi

Permanent Resident of Atrang Village

PO/PS Seppa

District East Kameng

Arunachal Pradesh.

5: Abing Hisang

S/o Shri Harku Hisang

Permanent Resident of Model Village  
PO/PS Seppa  
District East Kameng  
Arunachal Pradesh.

6: Raling Sangdo  
S/o Shri Lai Sangdo

Permanent Resident of Village Hunpa Pindu  
PO/PS Seppa  
District East Kameng  
Arunachal Pradesh

VERSUS

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

**Advocate for the Petitioner** : Muk Pertin, Senior Advocate

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

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

**ORDER**

**Date : 26-05-2023**

Heard Ms T. Y. Bhutia, the learned counsel for the petitioners, namely, 1) Shri Gegum Bam 2) Shri Amar Beyong, 3) Shri Yema Weshi 4) Shri Lota Singhi 5) Shri Abing Hisang 6) Shri Raling Sangdo.

The petitioners have filed this petition under Section 482 Cr.P.C with prayer for quashing and setting aside the FIR No.176/05 dated 14.10.2005 as well as the proceeding based on the FIR.

Heard Mr. J. Tsering, the learned Public Prosecutor for the State of Arunachal Pradesh.

I have considered the submissions at the bar. The FIR unfolds that on 14.10.2005, around 7:45 hours the informant and his wife were proceeding towards RK Mission Hospital when 4/5 boys suspected to be students stopped his vehicle and snatched away the car keys as the AAPSU(All Arunachal Pradesh Students Union) have called a bandh for 12 hours on that day. The Annexure-2 (series) is the Authority given by the petitioners and the Annexure-3 is the withdrawal of the complaint made by the informant.

It is submitted on behalf of the petitioners that the informant submitted a withdrawal for complaint but the offences under which the petitioners were booked were non-compoundable, and therefore, the prayer of withdrawal was not allowed by the O.C of the Itanagar Police Station. The petitioners and the informant entered into an agreement and Annexure-5 appended along with the petition is the Deed of Agreement. The petitioners and the informant have settled their disputes amicably. It is submitted that no offence under Section 356/379 IPC is made out because there was no incident of theft as the car keys were later returned to the informant. Both the parties have buried their hatchet with an amicable settlement of their disputes. The scrutiny of the LCR reveals that this case which was registered 13 years ago and is still pending at the stage of appearance before the learned Chief Judicial Magistrate, Yupia.

It appears that this dispute is predominantly private in nature. Probability of conviction is remote and bleak and further proceeding will indeed be an abuse of process of Court. I deem it proper to invoke the inherent jurisdiction under Section 482 of the Cr.P.C. Therefore, the FIR No. 176/2005, is hereby set aside and quashed.

In terms of the above observation, the petition is disposed of.

**JUDGE**

**Comparing Assistant**