

GAHC040006782023



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

Case No. : Crl.Petn. 93/2023

1: Besi Ado and 3 Ors.
S/o Lt. Kibe Ado,
Permanent Resident of Gour Hill, Aalo, PO/PS Aalo, District West Siang, Arunachal Pradesh.

2: Beyi Ado
S/o Late Kibe Ado

a Permanent Resident of Village Kombo Raglam
PO/PS Aalo
District West Siang
Arunachal Pradesh.

3: Imo Ado
S/o Shri Beyi Ado
a Permanent Resident of Village Kombo Raglam
PO/PS Aalo
District West Siang
Arunachal Pradesh.

4: Iken Ado Ado
S/o Shri Beyi Ado

a Permanent Resident of Village Kombo Raglam
PO/PS Aalo
District West Siang
Arunachal Pradesh.
Ph. No. 9402276507

VERSUS

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

Advocate for the Petitioner : Kemo Lollen

Advocate for the Respondent : P P of AP

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

ORDER

Date : 30-05-2023

- 1.** Heard Mr. K. Lollen, learned counsel for the petitioners namely, [1] Sri Besi Ado [2] Sri Beyi Ado [3] Sri Imo Ado and [4] Sri Iken Ado Ado and Mr. G. Tado, learned Addl. PP for the State of Arunachal Pradesh.
- 2.** The learned Addl. P.P. has accepted notice on behalf of respondent. So, no formal notice is required to be issued to the respondent.
- 3.** The petitioner Nos. 1 and 2 are brothers. The petitioner No. 1 has lodged an FIR against the petitioner Nos. 2, 3 and 4. The petitioner Nos. 3 and 4 are the sons of petitioner No. 2. Now, the informant and the petitioners have jointly filed an application u/s 482 Cr.PC with prayer for quashing and setting aside the FIR being registered as Aalo PS Case No. 53/2013, the charge-sheet No. 40/2020 and the trial of the proceeding of GR Case No. 113/2023 registered u/s 506/448/392/427/34 IPC.
- 4.** I have considered the submissions at the bar with circumspection.
- 5.** It is submitted at the bar that this case arose out of a dispute after the panchayat election, as the petitioner No. 1's brother did not support him during the panchayat election and he lost the panchayat election.
- 6.** The FIR unfolds that on 21.05.2013 at around 8:30 PM while the informant Besi Ado was in the P.I. Colony, he received an information that the petitioner Beyi

Ado and his son Imo Ado have forcefully entered into his residence and started ransacking his house and destroyed many important properties including a car. When the informant was proceeding towards the police station to lodge an FIR, he was stopped by Beyi Ado and Imo Ado who attacked him with dao and also destroyed his car. Immediately after the FIR was lodged and registered as Aalo PS Case No. 53/2013, on 27.5.2013 both the parties decided to settle their dispute and there was some mutual settlement and the Keba decision was arrived at. Both the parties then settled their dispute amicably and Sri Beyi Ado has pledged to settle the dispute and also repair the damages caused to the informant's property. The statements of the witnesses u/s 161 CrPC have been appended along with the petition. After chargesheet was laid summonses were issued to the petitioners. The summonses are marked as Annexure-4.

7. It is submitted that after 10 years the summonses were issued to the petitioners and they were taken by surprise as they have already settled their dispute and a Keba decision was also arrived at. The petitioners have also approached the police and they verbally informed the police that they are not willing to continue with the case.

8. I have considered the submissions that the petitioners have buried their hatchet and they have settled their dispute amicably. The petitioners do not want to proceed with the case. As the petitioners are related, this dispute appears to be predominantly private in nature.

9. I have also considered the submissions that no offence u/s 392 IPC has been made out against the petitioners. Possibility of conviction appears to be remote and bleak. In view of my foregoing discussions, it appears that this is a fit case to invoke the inherent jurisdiction u/s 482 Cr.PC. Thereby the proceedings of Aalo PS Case No. 53/2013, the charge-sheet No. 40/2020 and the trial of the proceeding of GR Case No. 113/2023 are hereby set aside and quashed.

10. In view of above observations, petition is disposed of.

JUDGE

Comparing Assistant