

GAHC040009462023



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

Case No. : Crl.Petn./124/2023

Tombing Vamuuanlal and Anr.
S/o Lt. Tombing Goukhogia,
Resident of C Sector, Naharlagun, PO/PS Naharlagun,
Papum Pae District, Arunachal Pradesh.

2: Dohu Tara Dui
Age:
Occupation

VERSUS

THE STATE OF AP
Through PP (AP)

Advocate for the Petitioner : Adam Tatak

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 20-07-2023

1. Heard Mr. T. Gyatso, learned counsel for the petitioners namely, [1] Sri

Tombing Vamuanlal and [2] Sri Dohu Tara Dui.

2. Both the petitioners have jointly filed this petition u/s 482 Cr.P.C with prayer for quashing the entire proceeding of G. R. Case No. 517/2017 arising out Naharlagun P. S. Case No. 120/2017 u/s 384/506/34 IPC. Chargesheet was laid against the petitioners on 26.10.2017 u/s 384/506 IPC.

3. It is submitted that the offence u/s 506 IPC is compoundable but as the offence u/s 384 IPC is not compoundable, the prayer for withdrawal of the complaint was not allowed.

4. Heard Mr. J. Tsering, learned P.P. for the State of Arunachal Pradesh.

5. I have also perused the scanned copies of the LCR. This case is pending at the stage of appearance. The petitioners who undertook to file this case was not proceeded upon and so they have executed an application on 21.06.2023 after they learnt about the pendency of this proceeding in the trial Court. The learned counsel for the petitioner has relied on the decision of the Hon'ble Supreme Court in *Kapil Gupta v. State of NCT of Delhi and Another*, reported in (2022) 0 SCC 1108 wherein it has been observed that :-

" it can thus be seen that this Court has clearly held that though the Court should be slow in quashing the proceedings wherein

heinous and serious offences are involved, the High Court is not foreclosed from examining as to whether there exists material for incorporation of such an offence or as to whether there is sufficient evidence which if proved would lead to proving the charge for the offence charged with. The Court has also to take into consideration as to whether the settlement between the parties is going to result into harmony between them which may improve their mutual relationship."

6. Reverting back to this case it is held that both the petitioners have buried their hatchet and they have amicably settled their dispute. Probability of conviction appears to be remote and bleak. I have also considered the submissions at the bar that the offence does not fall under any heinous offences. The petitioner No. 2 had allegedly demanded Rs. 5000/-, Rs. 8,000/- and Rs. 3,000/- on several dates through the mobile phone Nos. 8257065386 and 940297339 mentioned in the FIR.

7. In view of my foregoing discussions, I deem it proper to invoke the inherent jurisdiction u/s 482 Cr. PC. It appears that further proceeding will be an abuse of the process of the Court. Further proceeding of G. R. Case No. 517/2017 arising out of Naharlagun P. S. Case No. 120/2017 u/s 384/506/34 IPC is hereby set aside and quashed.

8. In terms of the above observations, petition stands disposed of.

JUDGE

Comparing Assistant