

GAHC040009642023



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

Case No. : Crl.Petn./127/2023

Ringpa Baring @ Yapa Haging Dagam and Anr.
W/o Shri Tadam Haging Cherom @ Baring,
Presently residing at G Sector, Naharlagun, PO/PS Naharlagun, District Papum Pare,
Arunachal Pradesh.
Ph. No. 8014647923 2: Yiba Poyom @ Yiba Haging Cherom
Age:
Occupation

VERSUS

THE STATE OF AP
Represented by Public Prosecutor.

Advocate for the Petitioner : Nikita Danggen

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 07.08.2023

Heard Mr. H. T. Tara, learned counsel for the petitioners. Also heard Ms. T. Jini, learned Additional Public Prosecutor for the State respondent.

2. This is an application under Section 482 of the Code of Criminal Procedure, 1973, praying for quashing of GR No. 159/2022, under Sections 452/325 of the Indian Penal Code, corresponding to FIR dated 21.08.2011 registered as ITA P.S. Case No. 205/2011.

3. The present petition has been filed jointly by the informant and the accused, i.e. the petitioner No. 2 and petitioner No. 1, respectively, after an amicable settlement between the parties on 12.07.2023. It is stated that both the petitioner Nos. 1 & 2 are the wife of one Shri Tadam Haging Cherom @ Baring and the petitioner No. 1 is the first wife and the petitioner No. 2 is the second wife of the said Shri Tadam Haging Cherom @ Baring. On 21.08.2011, due to misunderstanding between the parties, a minor scuffle took place at the resident of petitioner No. 2 and due to loss of balance, the petitioner No. 2 fell down and suffered minor injuries. Thereafter, out of anger, she lodged an F.I.R. against the petitioner No. 1 stating *inter alia* that the accused petitioner No. 1 had physically assaulted her without any valid reason. On receipt of the said F.I.R., dated 21.08.2011, the case has been registered as ITA P.S. Case No. 205/2011, under Sections 452/325/534 of the Indian Penal Code and the petitioner No. 1 was arrested and after investigation, the I.O. laid Charge-Sheet against the petitioner No. 1 under Section 452/325/534 of the Indian Penal Code. The trial of the case is presently pending before the Court of learned Judicial Magistrate First Class, Yupia, and the charge is also framed under Sections 452/325 of the Indian Penal Code against the present petitioner No. 1.

4. After the institution of the said case, there was several discussion and negotiation and with the intervention of the family members of both the petitioners, they amicably settled the dispute and as the incident had happened only due to matrimonial dispute, hence both the parties have mutually settled the dispute and presently they are living peacefully with any ill feeling with one another.

5. It is submitted by the learned counsel for the petitioners, Mr. H. T. Tara, that as the matter has already been amicably settled between the parties, no fruitful purpose will be serve even if the proceeding is allowed to be continued and the chance of conviction is also very remote and bleak in this case. The learned counsel for the petitioner further relied on a decision of Hon'ble Supreme Court in the case of **Narinder Singh & Ors. Vs. The State of Punjab & Anr.**, reported in **(2014) 6 SCC 466**, wherein, it has been held that the proceeding on the basis of amicable settlement between the parties particularly those arising out of matrimonial relationship or family dispute can be quashed by invoking Section 482 Cr.P.C. He further submitted that the present case is also squarely covers by the judgment of the Hon'ble Apex court passed in **State of Madhya Pradesh Vs. Laxmi Narayan & Ors.**, reported in **(2019) 5 SCC 688**. Accordingly, it is submitted that in view of the compromise, the petitioner No. 2 is not willing to proceed with the case further and in such situation, if the proceeding is allowed to be continued, it will be an abuse of the process of the Court. Thus, it is submitted that it is a fit case where the power

under Section 482 Cr.P.C. can be invoked for quashing and setting aside the criminal proceeding as well as the F.I.R. and the Charge-Sheet.

6. In this context, the learned Additional Public Prosecutor, Ms. T. Jini, has submitted that since both the parties have resolved their dispute amicably and the entire dispute arose only due to some matrimonial dispute as both the petitioners are the wives of Shri Tadam Haging Cherom @ Baring and they are no longer willing to proceed with the case, the State has no objection in the event of allowing the petition.

7. After hearing the submissions of learned counsels for both sides, I have perused the petition and the documents placed on record and I find that this petition is jointly preferred by the informant/petitioner No. 2 and the accused/petitioner No. 1, who are happens to be the wives of Shri Tadam Haging Cherom @ Baring. It also appears that they have resolved their dispute amicably by executing a deed of mutual settlement in presence of their family members and they are now living peacefully without any differences.

8. In the case of **State Of Madhya Pradesh Vs. Laxmi Narayan**, reported in **(2019) 5 SCC 688**, Hon'ble Supreme Court, in paragraph No. 13(i), observed that "that the power conferred under [Section 482](#) of the Code to quash the criminal proceedings for the non-compoundable offences under [Section 320](#) of the Code can be exercised having overwhelmingly and predominantly of civil character, particularly those arising out of commercial

transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves.” It is further held that “when the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:-

- (i) ends of justice, or
- (ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.”

9. Here in this case, the dispute between the petitioner Nos. 1 and 2 has arisen out of matrimonial dispute and also it is a family dispute and they have resolved the entire dispute amongst themselves and now they are living peacefully.

10. In view of above, ends of justice would be meted out if the petition is allowed. Further, since the matter has already been settled between the petitioners, it is unlikely that the petitioner No. 2 will depose against the petitioner No. 1, and in that event allowing the proceeding to continue before the learned Court below would be an abuse of the process of the Court.

11. Under the above facts and circumstances, this Court is of the view that this is fit case where the extra-ordinary power under Section 482 of the Code of Criminal Procedure can be invoked to quash the proceeding pending before the

Court of learned Judicial Magistrate First Class, Yupia. Accordingly, the petition stands allowed. The F.I.R. of Itanagar P.S. Case No. 205/2011, registered under Sections 452/325/34 of the Indian Penal Code, corresponding to GR No. 159/2022, pending before the Court of learned Judicial Magistrate First Class, Yupia, stands set aside and quashed.

12. In terms of above, this criminal petition stands disposed of.

JUDGE

Comparing Assistant