

GAHC040014372022



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

Case No. : Crl.Petn. 127/2022

1: Mesam Jelly Taku and Anr.
W/o Shri Rajkumar Jelly,
Permanent Resident of Vivek Vihar, DNG College Road, PO/PS Itanagar, District
Papumpare, Arunachal Pradesh.
M. No 8257815442

2: Yaso Taku
W/o Late Modi Singhai

R/o Vivek Vihar
PO/PS Itanagar
District Papumpare
Arunachal Pradesh

VERSUS

1: THE STATE OF AP
Through the Public Prosecutor, Arunachal Pradesh.

Advocate for the Petitioner : Lissing Perme

Advocate for the Respondent : P P of AP

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

16.01.2023

Heard the learned counsel Mr. L. Perme appearing for the petitioners. Also Ms. T. Jini, the learned Addl. Public Prosecutor, State of Arunachal Pradesh representing respondent.

2. This is an application under Section 482 of the CrPC praying for quashing the proceeding of G.R. Case No.527/2016 in respect of ITA P.S. Case No.207/2016 under Section 380 of the IPC pending in the court of the Judicial Magistrate 1st Class, Capital Complex at Yupia, Arunachal Pradesh.

3. One woman has accused her daughter-in-law that she has committed theft of *Tado Mala* and a local ornament. Finally, police filed the *charge sheet* under Section 380 of the IPC against the daughter-in-law.

4. Now, both the women have come to the Court stating that they have compromised the matter and to that effect a settlement deed has been executed between them. Both of them jointly submitted that they want the criminal proceeding to be quashed.

5. The power under Section 482 of the CrPC is the inherent power of the High Court. This power is exercised for preventing miscarriage of justice and to prevent abuse of the process of the court.

6. The 71 years old woman/informant has compromised the dispute with her own daughter-in-law.
7. The petitioners have submitted that Section 380 of the IPC is not a compoundable offence and that is the reason why they have come to this Court under Section 482 of the CrPC.
8. I have given my anxious considerations to the submissions made by the learned counsels of both sides.
9. Under Section 482 of the CrPC, High Court also has the inherent power to quash the criminal proceeding in those cases which are not compoundable under Section 380 of the IPC.
10. I find that under the given circumstances of the case, there is no possibility of future conviction in the said criminal proceeding. Therefore, allowing the criminal proceeding to continue before the trial court would be nothing but an abuse of the process of the Court.
11. This Court finds that this is a fit case for exercising the power under Section 482 of the CrPC. Accordingly, the criminal petition is allowed. The proceeding of G.R. Case No.527/2016 in respect of ITA P.S. Case No.207/2016 under Section 380 of the IPC pending in the court of the Judicial Magistrate 1st Class, Capital Complex at Yupia, Arunachal Pradesh is quashed and set aside.

The criminal petition stands disposed of accordingly.

JUDGE

Comparing Assistant