

GAHC040015052023



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

Case No. : Crl.Petn./202/2023

Nabam Taja and 2 Ors
S/o Late Nabam Tana, permanent resident of Sagalee,
PO/PS Sagalee, District Papum Pare,
Arunachal Pradesh and Presently residing at near Govt. Middle School, Lekhi,
PO/PS Naharlagun, District Papum Pare,
Arunachal Pradesh. Phone No. 918731083016

2: Tashi Tsering Bapu
Age:
Occupation :

3: Benjamin Angomcha
Age:
Occupation

VERSUS

THE STATE OF AP
represented through the Public Prosecutor, Government of Arunachal Pradesh.

Advocate for the Petitioner : T T Tara

Advocate for the Respondent : P P of AP

**BEFORE
HONBLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 08.11.2023

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

2. This is a joint application filed under Section 482 Cr.P.C for quashing and setting aside the FIR dated 10.09.2023 of Itanagar P.S. Case No. 215/2023 under Section 279/338 IPC.

3. The instant application is filed by the petitioner No. 1, who is the alleged accused person, and the petitioner Nos. 2 & 3, who are the informants/victims of the case. On 10.09.2023 the complaint was filed by the petitioner Nos. 2 & 3 alleging inter-alia that on 10.09.2023, at about 1:15 AM, one unidentified SUV ISUZU, black in colour, hit the motor cycle of the victims/informants for which there was damage in their motor cycle and they sustained grievous hurt. On the basis of the said FIR, the Officer-In-Charge Itanagar Police Station registered a case being Itanagar P.S. Case No. 215/2023, under Section 279/338 IPC, and the case is still under investigation.

4. But subsequently, the matter has been amicably settled between the

parties and they also executed a deed of mutual agreement on 13.09.2023, whereby the petitioner No. 1 also paid Rs. 2,50,000/- (Rupees two lakhs fifty thousand) only as a compensation for the medical expenses of the petitioner Nos. 2 & 3. Accordingly, both the petitioner Nos. 2 & 3 voluntarily agreed to withdraw the FIR from the Police Station, but as the Section 279 IPC is non-compoundable offence it could not be directly withdrawn from the Police Station and hence, the present petition has been filed jointly praying for quashing of the FIR as well as the Criminal Proceeding pending for investigation before the Itanagar Police Station. After the amicable settlement between the parties, both the petitioner Nos. 2 & 3 are not interested to proceed with the case further as they have resolved their differences and they are presently living peacefully having no grievances with each other.

5. Accordingly, it is submitted by the learned counsel for the petitioner that this is a fit case, wherein the power under Section 482 Cr.P.C can be invoked for quashing the Criminal Case as well as the FIR pending for investigation before the Itanagar Police Station. Further, he submits that the matter is purely private in nature and it has no social implications and the chance of conviction is very remote even if the proceeding is allowed to be continued.

6. Ms. J. Jini, learned Additional Public Prosecutor submitted in this regard that as both the parties have arrived into amicable settlement and entered into a deed of mutual agreement, the prosecution has objection if the FIR as well as the Criminal Proceeding is quashed by invoking inherent power under Section

482 Cr.P.C.

7. After considering the submissions made by the learned counsel for both the sides and also considering the fact of mutual settlement between the parties, nature of offence and also considering the views of the Hon'ble Apex Court, I find it a fit case to exercise the power under 482 Cr.P.C for quashing the FIR as well as the Criminal Proceeding.

8. In view of the above, the present petition is allowed. The FIR dated 10.09.2023 of Itanagar P.S. Case No. 215/2023 under Section 279/338 IPC stands set aside and quashed.

9. In terms of above, this Criminal Petitions stands disposed of.

JUDGE

Comparing Assistant