

GAHC040017002023



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

Case No. : Crl.Petn./234/2023

Sunit Sagar and Anr.
S/o Late Daniyal Sagar, Permanent resident of village No. 3, Danisari Moku, PO/PS
Mazabadi, Udalguri District, Assam, Presently residing at Dirang, Medical Colony,
West Kameng District, Arunachal Pradesh.

2: Shri Likha Tara,
S/o Late Likha Tatam
Age: 56
Occupation
Resident of 'E' Sector, Naharlagun, Po/Ps Naharlagun, Papum pare District, Arunachal
Pradesh.

VERSUS

THE STATE OF AP
represented through public prosecutor of A.P

Advocate for the Petitioner : Neelam Taje

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 13-12-2023

Heard Mr. L. Tatam, learned counsel for the petitioner and Mr. G. Tado,
learned Additional Public Prosecutor for the State of Arunachal Pradesh.

2. This joint application, under Section 482 of the Cr.P.C., has been filed by 2(two) petitioners, namely; 1. Shri Sunit Sagar and 2. Shri Likha Tara, for quashing the F.I.R. of Naharlagun P.S. Case No. 138/2019, under Section 381 IPC, on the ground that the said case has already been settled between the parties amicably.

3. It is to be noted here that Naharlagun P. S. Case No. 138/2019 under Section 381 IPC has been registered on the basis of one F.I.R. lodged by the petitioner no. 2, Shri Likha Tara on 15.08.2019.

4. The learned counsel for the petitioner submits that after registration of the case, investigation was carried out and the same culminated in submission of Charge-sheet against the present petitioner under Section 381 IPC and now the case is pending before the Court of leaner Chief Judicial Magistrate, Yupia. The learned counsel for the petitioner further submits that the matter has already been compounded between the 2 (two) petitioners and to that effect a Deed of Settlement was also executed on 22.11.2023, which has been enclosed to the petition as Annexure no. 4, and as the matter has already been settled between the parties, the learned counsel for the petitioner submits that the matter may be disposed of by quashing and setting aside the F.I.R. and the Charge-sheet, pending before the Court of the learned Chief Judicial Magistrate, Yupia.

5. Mr. G. Tado, learned Additional Public Prosecutor on the other hand submits that here the petitioner no. 1 has been charge-sheeted under Section 381 IPC and the same is compoundable with permission of the Court as per Section 320 of the Cr.P.C, and as the matter stands compounded between the parties, the state has no objection in the event of allowing the

petition.

6. Having heard the submissions of the learned Advocates of both sides, I have gone through the petition and the documents placed on record and also perused the Deed of Settlement dated 22.11.2023 (annexed as Annexure-4).

7. It appears from the record that the case has been registered under Section 381 IPC on the basis of F.I.R. lodged by the petitioner no.2, namely, Shri Likha Tara. The essence of allegation made in the F.I.R. dated 15.08.2019, is that on 23rd July, 2019, Hero Honda Karizma bike, belonging to his son, was stolen by his driver from Naharlagun. It also appears from the record that after completion of the investigation, the Investigating Officer had submitted Charge-sheet against the petitioner no. 1 to stand trial under Section 381 IPC.

8. It also appears that the Offence under Section 381 IPC is compoundable with permission of the Court as per Section 320 Cr.P.C. The Deed of Settlement, dated 22.11.2023, indicates that both the petitioners have mutually compounded the matter and that they shall also maintain peace and harmony and shall not recall the bygone incident.

9. In view of above, this Court is of the considered opinion that this is a fit case where the F.I.R. and the Charge-sheet can be quashed by invoking the provision of Section 482 Cr.P.C. as the same will advance the cause of justice, and as the matter stands compounded, the petitioner No.2 is unlikely to depose against the petitioner No.1 in the court during the trial. And on such court allowing the proceeding to continue in the learned court below

will be an abuse of the process of the court.

10. Accordingly, the F.I.R. of Naharlagun P.S. Case No. 138/2019, under Section 381 IPC stands quashed and set aside.

11. In terms of above, this Criminal Petition stands disposed of.

JUDGE

Comparing Assistant