

GAHC040017522023



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

Case No. : Crl.Petn./237/2023

Binni Panor and Anr.
D/o Mr. Yimin Panor, Resident of Sibbo-Siang Colony, Pasighat, Distr. East Siang,
Arunachal Pradesh. 2: Tagom Ering
Age:
Occupation

VERSUS

THE STATE OF AP
through the Public Prosecutor, Arunachal Pradesh

Advocate for the Petitioner : S Tsering

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 20-12-2023

Heard Mr. V. Jamoh, the learned counsel for the petitioner and
Mr. J. Tsering, the learned Public Prosecutor for the State

respondent.

2. In this petition, under Section 482 Cr.P.C, 2(two) petitioners, namely, Ms Binni Panor and Mr. Tagom Ering has prayed for quashing and setting aside the Pasighat P.S. case No.68/2018, under Sections 323/452 IPC.

3. It is to be noted here that the above mentioned case has been registered on the basis of one FIR lodged by one Ms Binni Panor, petitioner No.1 on 14.04.2018. The essence of allegation made in the FIR dated 14.04.2018, is that on that day, at about 20:23hrs while she was in the house of one Onom Deka, to attend dinner party, then one Shri Tagom Ering, petitioner No.2 entered the house and all of a sudden started assaulting her before all of them. And one of the possible reason behind the incident is that the petitioner No.2 had borrowed a sum of Rs.20,000/-(Rupees Twenty Thousand) only from her about 4(four) months back and while she asked him to return her amount then he refused to return the same.

4. Mr. V. Jamoh, the learned counsel for the petitioners submits that the petitioners have settled the entire dispute amongst themselves and to that effect they have executed one deed of

mutual settlement on 15.12.2023. And on the basis of the said settlement, they have approached this Court by filing the present petition for setting aside the Pasighat P.S. case No.68/2018, as the offence under Section 452 IPC is not compoundable offence in view of the Section 320 of the Cr.P.C. Mr. Jamoh, the learned counsel for the petitioner further submits that since the matter has been settled amicably between the parties, the proceeding arising out of Pasighat P.S. case No.68/2018 under Sections 323/452 IPC, pending before the Court of learned Chief Judicial Magistrate, Pasighat may be quashed.

5. On the other hand, Mr. J. Tsering, the learned Public Prosecutor for the State respondent also submits that since the matter has been settled between the parties amicably and they are no longer willing to pursue the matter, the State has no objection in the event of allowing the petition.

6. Having heard the submissions of learned advocates of both sides, I have gone through the petition and the documents placed on record. It appears that the Pasighat P.S. Case No.68/2018, under Sections 323/452 IPC, has been registered on the basis of one FIR lodged by petitioner No.1 on 14.04.2018. Upon the said FIR, the Officer-in-Charge of Pasighat Police Station has registered Pasighat

P.S. Case No.68/2018, under Sections 323/452 IPC, and carried out investigation, which culminated in submission of Charge-sheet against the petitioner No.2 under Sections 452/354 IPC. But, it appears from the record that the learned Court below had, after hearing both the parties framed charge against the petitioner No.2 under Sections 323/452 IPC. The offence under Section 323 IPC is compoundable, but the offence under Section 452 IPC is not compoundable and therefore, the petitioners have approached this Court by filing this petition under Section 482 Cr.P.C.

7. Since the entire matter has been amicably settled between the parties and they are no longer willing to pursue the case, this Court is of the view that end of justice will be meted out if the petition is allowed. Moreover, there is no prospect of ending the case in conviction as the parties have settled the matter and it is unlikely that the petitioner No.1 will be deposed against the petitioner No.2 in the Court. And as such, it will be an abuse of the process of the Court if the proceeding is allowed to be continued before the learned Court below.

8. Having considered the facts and circumstances on record and also the submissions of learned advocates of both sides, this Court is inclined to allow this petition. And accordingly, Pasighat P.S. case

No.68/2018 under Sections 323/452 IPC stands quashed and set aside.

9. In terms of the above, this criminal petition stands disposed of at this motion stage itself, leaving the parties to bear their own cost.

JUDGE

Comparing Assistant