

GAHC010000422023



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

Case No. : Crl.Pet./6/2023

ABDUL WAHED JODDAR
S/O MD. AKSHED ALI, VILL-SIKATARI PART-1, P.S.-MERERCHAR, DIST-
BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:MD. ASHAN ALI
S/O LATE KUDDUSH ALI
VILL-HARDEMARA
P.O.-BAHALPUR
P.S.-CHAPOR
DIST-DHUBRI
ASSAM
PIN-783371

3:ANJUMA KHATUN
W/O MD. ABDUL WAHED JODDAR
D/O MD. ASHAN ALI
VILL-SIKATARI PART-1
P.O.-KUSHBARI
P.S.-MERERCHAR
DIST-BONGAIGAON
ASSAM
PIN-78338

Advocate for the Petitioner : MR. N UDDIN

Advocate for the Respondent : PP, ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

27.01.2023

Heard Mr. N. Uddin, the learned counsel appearing for the petitioners Mr. M. Islam, learned counsel appearing for the respondent nos.2 and 3. Also heard Mr. P. Borthakur, the learned Addl. Public Prosecutor for the State of Assam.

2. This is an application under Section 482 of the CrPC praying for quashing the criminal proceedings of PRC No.751/2020 under Section 498(A) of the Indian Penal Code pending in the court of Sub-Divisional Judicial Magistrate (S), Kamrup (M), Guwahati.

3. Md. Eahsan Ali, father of respondent no.3 Anjuma Khatun had lodged an FIR before police stating that about 13 years ago, Anjuma Khatun was given in marriage to the petitioner Abdul Wahed Joddar. It is further alleged in the FIR that that the petitioner Abdul Wahed Joddar has been subjecting Anjuma Khatun to physical as well as mental cruelty for want of dowry. It is alleged that very recently, an amount of Rs.2 lakhs was given to Abdul Wahed Joddar. He was reportedly demanding more money and for that matter, Anjuma Khatun was physically assaulted.

4. Now, both sides have settled their disputes and Anjuma Khatun has been living peacefully with her husband Abdul Wahed Joddar.

5. For the aforesaid reason, both sides have approached this Court under Section 482 of the CrPC because the offence under Section 498(A) of the Indian Penal Code is not a compoundable offence.

6. I have considered the submissions made by the learned counsel of both sides.

7. The power under Section 482 of the CrPC is the inherent power of the High Court and this power is exercised in order to prevent the abuse of the process of the Court. In the case in hand, both husband and wife have settled their disputes and have been living peacefully. Under this circumstance, I find that there is no possibility of a future conviction. Therefore, allowing the criminal proceeding to continue before the trial court would be an abuse of the process of the court.

8. I am of the considered opinion that this is a fit case for exercising the power under Section 482 CrPC. Accordingly, the criminal petition is allowed. The criminal proceeding of PRC No.751/2020 under Section 498(A) Indian Penal Code pending in the court of Sub-Divisional Judicial Magistrate (S), Kamrup (M), Guwahati is quashed.

The criminal petition is disposed of accordingly.

JUDGE

Comparing Assistant