

GAHC010054052023



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

Case No. : Crl.Rev.P./110/2023

HAREN KONWAR
S/O SRI DEBANANDA KONWAR @ ARUN
R/O VILL- JULUK-KATA (NABAPUR)
P.O. MERAMUKH
P.S. NARAYANPUR
DIST. LAKHIMPUR, ASSAM
PIN-784164

2: SRI BHASKAR KONWAR
S/O SRI PUNESWAR KONWAR
R/OVILL- JULUK-KATA (NABAPUR)
P.O. MERAMUKH
P.S. NARAYANPUR
DIST. LAKHIMPUR
ASSAM
PIN-78416

VERSUS

THE STATE OF ASSAM AND ANR.
REP. BY THE LEARNED PP, ASSAM

2:SRI GAGAN GOGOI
S/O SRI NOMAL GOGOI
R/O VIL- JULUK-KATA (NABAPUR)
P.O. MERAMUKH
P.S. NARAYANPUR
DIST. LAKHIMPUR
ASSAM
PIN-78416

Advocate for the Petitioner : MR. D BORAH

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR**

ORDER

09.08.2023

Heard Mr. D. Borah, learned counsel for the petitioners. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor, Assam appearing for the State respondent No.1 and Mr. P.J. Saikia, learned counsel for the respondent No. 2.

This is an application under Section 397/401 read with Section 482 Cr.P.C. for quashing and setting aside the impugned judgment and order, dated 16.12.2022, passed by the learned Addl. Sessions Judge (F.T.C.), Lakhimpur, North Lakhimpur in Criminal Appeal No.35(4)/2018 whereby the said Criminal Appeal No.35(4)/2018 was dismissed by affirming the Judgment, dated 15.10.2018, passed by the learned C.J.M., Lakhimpur, North Lakhimpur in G.R. Case No.2570/2014.

By the Judgment, dated 15.10.2018, passed by the learned C.J.M., Lakhimpur, North Lakhimpur in G.R. Case No.2570/2014, the petitioners were convicted and sentenced under Sections 341/34 of the IPC to undergo S.I. for 15(fifteen) days and to pay fine of Rs.500/- only each, in default, to undergo S.I. for another 7(seven) days as well as to undergo S.I. for 2(two) months and pay fine of Rs.500/- only each, in default, to undergo S.I. for another 15(fifteen) days under Sections 323/34 of the IPC.

The instant revision petition has been filed stating that the dispute between the parties has been amicably settled vide Annexure-I, the Deed of Compromise,

dated 15.06.2023.

The relevant part of the Deed of Compromise, dated 15.06.2023 is extracted hereinbelow-

“AND WHEREAS the 2nd Party, i.e. Sri Haren Konwar and Sri Bhaskar Konwar for setting aside and quashing the impugned judgment and order dated 16.12.2022 passed in CrI.Appl. No. 35(4)/2018 by the Additional Sessions Judge (F.T.C.), Lakhimpur, North Lakhimpur had preferred a Criminal Revision Petition vide Cri. Rev. Pet. No.110/2023 (Sri Haren Konwar & Another -Vs- The State of Assam & Anr.) before the Hon'ble Gauhati High Court by arraying the 1st Party (Sri Gagan Gogoi) as Respondent No.2.

AND WHEREAS the 1 Party, i.e. Sri Gagan Gogoi had received the notice of the CrI. Rev. Pet. No.110/2023 along with the copy of the petition and the order dated 16.03.2023 under memo No. HCXXV/1459/Cri.Rev.P.No.110/2023 dated 20.05.2023 on 31.05.2023.

AND WHEREAS since the matter has been amicably settled between the 1st party (L.e. Sri Gagan Gogoi) and the 2nd party (i.e. Sri Haren Konwar and Sri Bhaskar Konwar) almost a year ago; being the compoundable offense U/s 320 of Cr.P.C., therefore the 1 party does not want to pursue the case lodged by him and if the Hon'ble High Court is pleased to allow the Criminal Revision Petition No.110/2023 the 1st party informant has no objection and therefore amicable settlement between the parties would be a just and proper remedy for both the parties. Moreover, regarding amicable settlement there are no any threat, coercion for conspiracy in Between the 1st party and 2nd party.”

It is settled law that Sections 341 and 323 of the IPC are compoundable offences under Section 320 of the Cr.P.C. and even after conviction offences can be compounded under Section 320 of the Cr.P.C. In this matter, both the parties have amicably settled their dispute by signing in the Deed of Compromise vide Annexure-I.

Therefore, the impugned Judgment and Order, dated 16.12.2022, passed by the learned Addl. Sessions Judge (F.T.C.), Lakhimpur, North Lakhimpur in Criminal Appeal No.35(4)/2018 and the Judgment, dated 15.10.2018, passed by the learned C.J.M., Lakhimpur, North Lakhimpur in G.R. Case No.2570/2014 are

hereby set aside on compromise between the parties.

The revision petitioners are set at liberty.

This disposes of the Criminal Revision Petition.

JUDGE

Comparing Assistant