

GAHC010122842023



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

Case No. : Crl.Pet./544/2023

HINGNAMKUALE NRIAME @ ASUILE AND ANR
D/O MIRUTTEUNG NRIAME, R/O VILL-TUNGJE, P.S.-MAHUR, PRESENT ADD-
BORO HAFLONG, P.S.-HAFLONG, DIST- DIMA HASAO, ASSAM

2: KEYITEUNEING NEWME
D/O HAIDEUDANGDE NEWME
R/O HEJAILO P.S.-MAHUR
PRESENT ADD-LOWER LODI
P.S.-HAFLONG DIST- DIMA HASAO
ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:KILUNGPUNGLE NEWME
D/O PAUHANGKUMBE NEWME
R/O HILL HAFLONG P.O. AND P.S.-HAFLONG
DIST- DIMA HASAO, ASSAM

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

15.12.2023

Heard Mr S C Biswas, learned counsel for the petitioners, Mr K K Das, learned

Additional Public Prosecutor for the State of Assam/respondent No. 1 and Ms K L R Yanthan, learned counsel for the respondent No. 2.

2. I have considered the submissions at the Bar.

2. The petitioners, 1) Hingnamkuale Nriame @ Asuile and 2) Keyiteuneing Newme, have filed this application under Section 492 CrPC, seeking quashing of the FIR, i.e., Haflong PS Case No. 22/2023, registered under Section 364(A) IPC, and Charge Sheet No. 17/2023 of GR Case No. 65/2023, pending in the Court of learned CJM, Dima Hasao, Haflong.

3. The charge sheet has been laid against the petitioners under Section 364(A) IPC.

4. The FIR unfolds that the victim was forcefully taken in the auto-rickshaw by the petitioners and, thereafter, the petitioners demanded a ransom of Rs. 50,000/-.

5. It is submitted that the FIR was lodged on a misunderstanding. An affidavit has been filed by the informant, who is arrayed as respondent No. 2, herein. The informant, Smti Kilungpungle Newme and the petitioner No. 1, Hingnamkuale Nriame, have filed a joint affidavit stating that as the informant's sister did not return home, the informant lodged the FIR on misinformation. The informant was unable to ascertain the whereabouts of her sister and later, the informant learnt that the victim went voluntarily with the petitioners. Both the parties have jointly submitted an affidavit. It is submitted by both the parties that they have amicably settled their dispute, which arose out of a misunderstanding. It is also submitted that the informant has no objection if the

proceeding of the GR Case No. 65/2023, against the petitioners is quashed.

6. I have considered the submissions at the Bar with circumspection.

7. The petitioners have settled the matter amicably. As the informant has stated that she is not willing to proceed further with the case against the petitioners, registered as GR Case No. 65/2023, further proceeding will indeed be an abuse of the process of law. As the informant herself is not willing to proceed with the case, the possibility of conviction also appears to be bleak. The informant herself is not willing to proceed with the criminal case, and further proceeding will indeed be an abuse of process of the Court.

8. I have given my thoughtful consideration to the submissions at the Bar. This appears to be a fit case to invoke the inherent jurisdiction under Section 482 CrPC. Therefore, the FIR of Haflong PS Case No. 22/2023, and Charge Sheet No. 17/2023 of GR Case No. 65/2023, is hereby set aside and quashed.

9. The Criminal Revision Petition stands disposed of.

JUDGE

Comparing Assistant