

GAHC010195932022



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

Case No. : Crl.Pet./983/2022

BHABENDRA NATH NEOG AND 2 ORS
S/O LT. BHUSHAN CH. NEOG
R/O VILL- KHELMATI NEAR BRAHMAPUTRA VALLEY ACADEMY P.O. AND
DIST. LAKHIMPUR, ASSAM, PIN-787031

2: MISS. PANCHIRANI NEOG
D/O BHABENDRA NATH NEOG
R/O VILL- KHELMATI NEAR BRAHMAPUTRA VALLEY ACADEMY P.O. AND
DIST. LAKHIMPUR
ASSAM
PIN-787031

3: MISS. ARCHITA NEOG
D/O BHABENDRA NATH NEOG
R/O VILL- KHELMATI NEAR BRAHMAPUTRA VALLEY ACADEMY P.O. AND
DIST. LAKHIMPUR
ASSAM
PIN-78703

VERSUS

THE STATE OF ASSAM AND ANR
THROUGH THE PP, ASSAM, GUWAHATI-1.

2:SMTI. SONALI HAZARIKA
D/O LT. NAREN HAZARIKA
R/O VILL
P.O. AND P.S. PANIGAON

DIST. LAKHIMPUR
ASSAM
PIN-78705

Advocate for the Petitioner : MR. I H SAIKIA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

14-06-2023

Heard Mr. K. Kalita, learned counsel for the petitioners. Also heard Mr. S. Dutta, learned Senior Counsel assisted by Ms. S. Mushahary, learned counsel for the respondent no.2 and learned Additional Public Prosecutor, Assam for the respondent no.1.

This Criminal petition has been filed for quashing of the G.R. Case No.2191/2017 pending before the Court of Judicial Magistrate, 1st Class, Lakhimpur, North Lakhimpur including the FIR registered as North Lakhimpur Police Station Case No.965/2017 under Section 498(A) of the IPC read with Section 4 of Dowry Prohibition Act, 1961.

Earlier by filing one Criminal Revision Petition being CrI.Rev.Pet. No.420/2019, the petitioner no.1 had also challenged the order dated 28.06.2019 which was passed in Misc. Case No.175/2017 by the Judicial Magistrate, 1st Class, Lakhimpur, North Lakhimpur by directing the petitioner no1 to pay Rs.10,000/- per month to the respondent no.2. This Court thereafter sent the matter before the Mediation Centre to arrive at a settlement between the parties. Accordingly, this Court disposed of CrI.Rev.Pet. No.420/2019 on 07.04.2022 by making an observation that the parties had arrived at a settlement through the mediation process. The petitioner had agreed to pay Rs.7 Lacs, in eleven equal installments of Rs.60,000/- and one installment of

Rs.40,000/- out of which two installments are stated to have been paid by the petitioner.

Accordingly, the petitioners have approached this Court by filing the present criminal petition for quashing of C.R. Case No.2191/2017 pending before the Court of Judicial Magistrate, 1st Class, Lakhimpur, North Lakhimpur including the FIR registered as North Lakhimpur Police Station Case No.965/2017 under Section 498(A) of the IPC read with Section 4 of Dowry Prohibition Act, 1961 and the respondent no.2 has agreed not to object to the prayers made in the present criminal petition. Learned counsels for the parties have referred to Conditions 3 & 4 of the joint agreement entered into by both the parties before the Mediation Centre, Gauhati High Court on 11.02.2022.

Ordinarily in matters which are non-compoundable, the Courts would be reluctant to set aside the proceedings and the charges framed on the basis of the consent or agreement arrived at between the parties. However, in view of the reluctance of the respondent being informant, to proceed in the matter the likelihood of the proceedings resulting in a conviction in so far as the present petitioner as a accused is concerned before the Court of Judicial Magistrate, 1st Class, Lakhimpur, North Lakhimpur is fairly bleak. It is submitted at the bar that the entire amount of Rs.7,00,000/- (Rupees seven lakhs) have been paid to the respondent no.2 in terms of the settlement entered into.

Consequently, as both the parties have already settled their dispute before the Mediation Center no further issue remains to be decided in the proceedings. Accordingly, under such peculiar circumstances, the High Court in its inherent powers under Section 482 is competent to set aside and interfere with such proceedings as both the parties have decided to bury their hatchet and continue

with their lives. No further issue is alive between the parties as submitted by the learned counsel for the parties.

Under such circumstances, this petition is allowed by interfering with the proceedings in respect of the G.R. Case No.2191/2017 pending before the Court of Judicial Magistrate, 1st Class, Lakhimpur, North Lakhimpur including the FIR registered as North Lakhimpur Police Station Case No.965/2017 under Section 498(A) of the IPC read with Section 4 of Dowry Prohibition Act, 1961.

The criminal petition therefore allowed to the extent and disposed of.

JUDGE

Comparing Assistant