

GAHC010227722023



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

Case No. : Crl.Pet./1099/2023

NURUL AMIN
S/O A. RAZZAK AHMED
VILL- KHUDRAKUCHI, P.O. BALAGAON
P.S. KALGACHIA
DIST. BARPETA, ASSAM
PIN-781319

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE LEARNED PP, ASSAM

2:DHANI RAM MEDHI
S/O LATE UPENDRA NATH MEDHI
R/O VILL- KALBARI
P.O. BHAWNAIPUR
P.S. BARPETA
DIST. BARPETA
ASSAM
PIN-78152

3:MANTU DAS
S/O DHANI RAM MEDHI
R/O VIL- KALBARI
P.O. BHAWANIPUR
P.S. BARPETA

DIST. BARPETA
ASSAM

PIN-78135

Advocate for the Petitioner : MS J HAZARIKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

01.12.2023

Heard Mr. S. Ahmed, learned counsel for the petitioner, Ms. A. Begum, learned Additional Public Prosecutor, Assam, for the State respondent No.1 and Ms. M. Khatun, learned counsel appearing on behalf of Mr. M. Rahman, learned counsel for the respondent Nos.2 and 3.

2. The petitioner, namely, Nurul Amin, has filed this application under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C. in short) seeking quashing of the impugned FIR being Barpeta P.S. Case No.1592/2020 and proceeding of PRC Case No.436/2022 registered under Section 279/338/427 IPC.

3. The FIR unfolds that on 02.08.2020 at about 5:00 p.m., the respondent No.2, Dhani Ram Medhi was proceeding from Kalbari towards Sarupeta Bazar on his bicycle. At that time the present petitioner who was driving the scooty bearing Registration No.AS-15K-9681 was also proceeding in the same direction and he rammed against respondent No.2 from backside causing grievous injuries on his person. Immediately thereafter the respondent No.2 was shifted to FAAMCH, Barpeta, but as he sustained grievous injuries he was admitted at Narayana Superspeciality Hospital, Guwahati and underwent treatment in the said hospital. The respondent No.3 lodged the FIR against the petitioner.

4. It is submitted that the respondent No.2 sustained grievous injuries as a result of the accident. At present he is suffering from financial hardship. The petitioner is not liable for the incident as he did not act in a rash and negligent manner.

5. The learned counsel for the respondent Nos.2 and 3 submits that she has no objection

if the proceeding is quashed against the present petitioner and in that regard an additional affidavit has also been filed by the respondent Nos.2 and 3. Through the said affidavit it has been submitted that the respondent Nos.2 and 3 have no objection if the proceeding is quashed.

6. The learned counsel for the petitioner has relied on a decision of the Hon'ble Supreme Court in **State of Madhya Pradesh vs. Laxmi Narayan & Ors.** reported in **(2019)5 SCC 688** and also on a decision of this Court in Crl.Pet. No.384/2023 [*Eliyas Hussain Vs. State of Assam & Anr.*, decided on 21.08.2023].

7. I have considered the submissions at the Bar with circumspection. The parties have settled the dispute amicably. The possibility of conviction appears to be remote and bleak. It appears that further proceeding will indeed be a abuse of the process of the court.

8. In the light of the decision of Hon'ble Supreme Court in **Laxmi Narayan** (supra) and the decision of this Court in **Eliyas Hussain** (supra), further proceeding of PRC Case No.436/2022 registered under Section 279/338/427 IPC and the FIR being Barpeta P.S. Case No.1592/2020 are hereby set aside and quashed. Accordingly, the criminal petition stands disposed of.

Sd/- *Susmita Phukan Khaund*
JUDGE

Comparing Assistant