

GAHC010240852023



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

**Case No. : Crl.Pet./1157/2023**

GAURANGA THAKURIA  
S/O SRI PUNARAM THAKURIA  
R/O NO. 2 DHEMAGARH VILLAGE,  
P.O. DHARAMGARH,  
P.S. BIHPURIA  
DIST. LAKHIMPUR, ASSAM  
PIN-784165

VERSUS

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

2:SRI PULAK DAS  
S/O SARAT DAS  
VILL- ARANGMOW  
P.O. ARANGMOW  
P.S. NALBARI  
DIST. NALBARI, ASSAM  
PIN-781347  
PRESENTLY RESIDING OF HOUSE NO. 202  
HENGRABARI ROAD  
L.P. SCHOOL  
SHANTI PATH  
P.O. DIPSUR  
P.S. DISPUR  
DIST. KAMRUP (M)  
ASSAM

**Advocate for the Petitioner : MR B BORA**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE  
HONOURABLE MR. JUSTICE ROBIN PHUKAN  
ORDER**

**08.12.2023**

Heard Mr. B. Bora, learned counsel for the petitioner; Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent; and Mr. A. Azad, learned counsel for the respondent No. 2.

**2.** In this petition, under Section 482 of the Cr.P.C., the petitioner namely, Sri Gauranga Thakuria has prayed for quashing the FIR dated 04.12.2019; the Charge Sheet No. 22/2020, dated 27.02.2020; and the Criminal Proceeding of PRC Case No. 938/2020, under Section 379/411 of the IPC, pending before the learned Judicial Magistrate First Class No. 5, Kamrup [M] at Guwahati.

**3.** The background facts leading to filing of this petition adumbrated herein below :-

“On 04.12.2019, one Pulak Das had lodged an FIR with the Officer In-Charge of Paltan Bazar Police Station, alleging inter-alia amongst that on 29.08.2019, at about 8:30 am, one mobile phone One Plus 7 Pro, was stolen by some unknown culprits from his own company bag, in front of Amazon Office, Birubari, R.K. Mission Road and the aforementioned mobile phone was supposed to be delivered to one Niranjana Chakraborty of Unique Tower Assam Rifles, Khanapara. Thereafter, the Officer In-Charge of Paltan Bazar Police Station had registered a case, being Paltan Bazar PS Case No. 1346/2019, under Section 379 of the IPC and after completion of investigation submitted Charge Sheet, being C.S. No. 22/2020, under Sections

379/411 of the IPC, against one Nelson Nilam Khaklary and the present petitioner. Upon the said charge sheet, the learned court below had taken cognizance, under Sections 379/411 of the IPC, against one Nelson Nilam Khaklary and the present petitioner and accordingly, both of them appeared before the learned court below and thereafter, the learned court below had framed charge against them and thereafter, examined 3 witnesses. Thereafter, the matter was settled between the informant and the present petitioner and as such, the petitioner has approached this Court by filing the present petition."

**4.** The respondent No. 2 i.e. the informant had filed an affidavit confirming that the matter has amicably been settled between him and the present petitioner and that he has no objection in allowing the present petitioner.

**5.** Mr. Bora, learned counsel for the petitioner submits that the matter has amicably been settled between the parties and as such, the petitioner has approached this Court by filing the present petition for quashing the entire proceeding of PRC Case No. 938/2020, under Section 379/411 of the IPC, pending before the learned Judicial Magistrate First Class No. 5, Kamrup [M] at Guwahati.

**5.** On the other hand, Mr. Azad, learned counsel for the respondent No. 2 submits that the informant [respondent No. 2] has filed one affidavit on 06.12.2023, to the effect that the informant has no grievance against the present petitioner and he is not willing to pursue the proceeding against him and as such, he has no objection in the event of allowing the petition.

**6.** Whereas, Mr. Sarma, learned Addl. P.P. submits that the offences are

compoundable offence and as the parties have settled the matter between them, the State has also no objection in the event of allowing the petition.

**7.** Having heard the submissions of learned counsel for both the parties, I have carefully gone through the petition as well as the documents placed on record and also perused the scanned copy of the record received from the learned court below.

**8.** It appears from the scanned copy of the record received from the learned court below that the learned court below had framed charge against the present petitioner and another accused namely, Nelson Nilam Khaklary, under Sections 379/411 of the IPC and thereafter, examined 3 witnesses. Further, it appears that the case is pending for further evidence. It also appears from the affidavit filed by the respondent No. 2 that the matter has amicably been settled between him and the present petitioner and as such, he is not willing to pursue the matter against the present petitioner, pending before the learned court below.

**9.** Accordingly, this Court is of the view that the ends of justice will be meted out, if the petition is allowed and therefore, the proceeding of PRC Case No. 938/2020, under Section 379/411 of the IPC, pending before the learned Judicial Magistrate First Class No. 5, Kamrup [M] at Guwahati, so far it relates to the present petitioner, **stands quashed and set aside.**

**10.** In terms of above, this petition stands disposed of.

**JUDGE**

**Comparing Assistant**