

GAHC010252762018



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

Case No. : Crl.Pet./1159/2018

SUMAN ALI
S/O MD. ISLAM ALI
VILL- CHOTSHIL (KENDUKONA)
P.S. RANIGA
DIST. KAMRUP, ASSAM

VERSUS

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

2:CHAN BANU BEGUM
W/O LATE RASHED ALI
VILL- PIYALIKHATA
P.S. CHANGSARI- 781101
DIST. KAMRUP
ASSA

Advocate for the Petitioner : MS G DEKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

03.03.2023

Heard Ms. G. Deka, learned counsel for the petitioner, Ms. S.H. Bora, learned

Additional Public Prosecutor, for the State respondent No.1 and Ms. R. Goswami, learned counsel for the respondent No.2.

2. The petitioner has filed this application under Section 482 Cr.P.C. with prayer for quashing the FIR dated 12.05.2017 marked as Annexure-1 and the charge-sheet No.136/2017 dated 31.07.2017 marked as Annexure-2. The corresponding case is G.R. Case No.625/2017. The respondent No.2 is the victim's mother. The petitioner is booked under Section 366 IPC in connection with the Changsari P.S. Case No.153/2017.

3. The FIR unfolds that the petitioner kidnapped the minor victim 'X'. As soon as the FIR was lodged by the informant, the afore-mentioned Changsari P.S. Case No.153/2017 was registered and investigation commenced. On finding sufficient materials against the petitioner charge-sheet was laid against him under Section 366 IPC. Summons were issued to the petitioner, but the summons were not served. It is submitted that both the petitioner and the victim had a love relationship and the victim 'X' eloped with the petitioner. The police never searched for the petitioner and subsequently he was shown as absconder when the police submitted charge-sheet against him.

4. It is submitted on behalf of the petitioner that the victim 'X' was not a minor at the time of incident. Annexure-5 is the marriage registration certificate, which clearly depicts that the victim 'X' was 20 years old at that time and this is why charge-sheet was laid under Section 366 IPC against the petitioner. At the present the petitioner and the victim 'X' are leading a happy married life.

5. Learned counsel for the victim's mother (respondent No.2), has no objection if the FIR as well as the charge-sheet are quashed and set aside.

6. I have considered the submissions at the Bar. This case appears to be predominantly private in nature. The possibility of conviction appears to be remote and bleak. This dispute

arose out of a marriage which was disapproved by the respondent No.2. At present respondent No.2's daughter is leading a happy married life with the petitioner.

7. Both the petitioner and the respondent No.2 are willing to amicably settle their dispute. As this case is not compoundable, they have approached this Court with the petition under Section 482 Cr.P.C. It appears that further proceeding will indeed be a abuse of the process of the court, as possibility of conviction appears to be remote and bleak.

8. Considering the submissions of both the sides and in view of my foregoing discussions, the petition is allowed. The charge-sheet No.136/2017 dated 31.07.2017 and the FIR No.153/2017 are hereby quashed and set aside.

Sd/- *Susmita Phukan Khaund*
JUDGE

Comparing Assistant