

GAHC020005622022



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

Case No. : Cri. Pet./24/2022

AJAY RAJA @ ROMIYAN KARUNANITHI
AGED ABOUT 56 YEARS,
S/O LATE SUBAIYA ROMIYAN,
R/O KHARGHULI, P.O - UZANBAZAR,
P.S - LATASHILL, GUWAHATI - 781004,
DISTRICT - KAMRUP(M), ASSAM

VERSUS

THE STATE OF NAGALAND AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR,
NAGALAND 2:LUNJAGIN SINGSO

Advocate for the Petitioner : D GOGOI

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HON'BLE MR JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 12.10.2023

Heard Mr. D. Gogoi, learned counsel for the petitioner. Also heard Ms. Vikali Aye, learned counsel for the respondent No. 2 and Mr. V. Zhimomi, learned Public Prosecutor for the State of Nagaland.

This application under Section 482 of the Code of Criminal

Procedure, 1973 has been filed by the petitioner, namely, *Ajay Raja @ Romiyan Karunanithi* praying for quashing of proceeding in GR Case No. 416/2023 corresponding to Dimapur East P.S. Case No. 137/2022 under Sections 406/420 of Indian Penal Code.

The said police station case was registered on the basis of an FIR lodged by Ms. Lunjagin Singson before the Officer-in-Charge, East Police Station, Dimapur, *inter alia*, alleging that the present petitioner with whom he had some business transaction and who had entered into an agreement regarding investment of Rs.69,50,000/- (Rupees Sixty Nine Lakhs Fifty Thousand) in the business of the present petitioner and, however, it is alleged that the said agreement was entered into only to misappropriate the money invested by the first informant.

It is submitted by learned counsel for the petitioner that as the present petitioner and the respondent No. 2 were having business transaction, due to some misunderstanding between them in course of their business dealings, the FIR was lodged. However, on 29th day of June, 2022, they have reached into an amicable settlement amongst themselves and in that respect, a compromise deed was also executed in between them. A copy of the said compromise deed is annexed along with petition as Annexure- E.

Learned counsel for the petitioner has submitted that both the parties have amicably settled the issues between them and the offence involved in the case is under Section 406/420 both are compoundable offences under Section 320 of the Code of Criminal Procedure, 1973.

Learned counsel for the respondent No. 2 has submitted that

the respondent No. 2 has no objection if the proceeding of Dimapur East P.S. Case No. 137/2022 is quashed as the respondent No. 2 has compounded the offence and after reaching amicable settlement with the petitioner.

The learned Public Prosecutor raises no objection if the parties reaches an amicable settlement, considering the fact the offence involved in this are compoundable offence.

Considering the submissions made by learned counsel for the parties and considering the fact of amicable settlement has been reached between the parties with regard to the offences which are also compoundable offences, the proceedings of GR Case No. 416/2022 pending before the Court of Chief Judicial Magistrate, Dimapur corresponding to Dimapur East P.S. Case No. 137/2022 are hereby quashed and this criminal petition is accordingly disposed of.

Sd/-

JUDGE

Comparing Assistant