



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

Case No. : Crl.Petn./2/2024

Tagong Taggu
S/o Shri Tasing Taggu, Molom village, PO Rumgong, Siang District, AP 2: Miru
Raksap
Age:
Occupation

VERSUS

The State of AP
represented by the PP

Advocate for the Petitioner : Lissing Perme

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE ARUN DEV CHOUDHURY

JUDGMENT

Date : 09-01-2024

Heard Mr. L. Perme, learned counsel for the petitioners. Also heard Mr. J. Tsering, learned Public Prosecutor, State of Arunachal Pradesh.

1. This application under Section 482 of the Code of Criminal Procedure, 1973 is filed for setting aside and quashing the GR Case No. 37/2023 registered under Section 279/427 of IPC pending before the learned Chief Judicial Magistrate, Aalo, District- West Siang, Arunachal Pradesh including

the charges order dated 21.11.2023 in the case arising out of Aalo PS Case No. 25/2023 under Section 279/337/427 of IPC and subsequent Charge Sheet No. 25/2023 under Section 279/427 of IPC.

2. This petition is filed jointly by the accused and the victim/complainant therein as both the accused and the victim/complainant had in the meantime amicably settled the matter through a Keba Decision-Cum-Mutual Settlement Deed dated 29.09.2023, in presence of the well-wishers, family members and elderly people, who understand the betterment of future of the accused's family and the victim's family.
3. The petitioner No. 2 Miru Raksap lodged an F.I.R. on 21.06.2023 before the Officer-in-Charge of Aalo Police Station inter-alia alleging that on 20.06.2023 at around 08:10 PM the petitioner No. 1, who was returning back to Aalo from Kaying by his vehicle (Bolero) being registration No. AR-21-0030, hit the parked Duster RXZ bearing Registration No. AR 08 B 1471 of the petitioner No. 2 at Nehru Chowk near Apex Bank, Aalo, West Singh District, Arunachal Pradesh and damaged it completely. Accordingly, the FIR was registered as Aalo P.S. Case No. 25/2023 under Sections 279/337/427 of IPC.
4. After completion of investigation, the Investigating Officer had submitted a Charge-Sheet being CS No. 25/2023 under Section 279/427 IPC dated 05.09.2023 against the petitioner No. 1, before the learned Chief Judicial Magistrate, Aalo, West Siang District, Arunachal Pradesh.
5. Thereafter, the learned trial Court below took cognizance of the case and charges were framed against the petitioner No. 1 under its order dated 21.11.2023.

6. Subsequently, the petitioners have amicably settled the matter through a Keba Decision-Cum-Mutual Settlement Deed dated 29.09.2023, (Annexure-4) in presence of the well-wishers, family members and elderly people, who understand the betterment of future of the accused's family and the victim's family.
7. In the aforesaid backdrop, this Court is now to decide whether this is a fit case where this Court can exercise its inherent power under Section 482 of Cr.P.C. to quash the criminal prosecution initiated by F.I.R. being Aalo P.S. Case No. 25/2023 under Sections 279/337/427 of IPC.
8. It is by now settled that a High Court in exercise of its power under Section 482 of Cr.P.C. can very well quash a criminal proceeding or a criminal complaint under Section 482 of Cr.P.C. but while doing so, the Court is to follow certain principles as enunciated by the Hon'ble Apex Court in ***Gian Singh –Vs- State of Punjab and Another*** reported in ***2012 10 SCC 303***, and in ***State of Madhya Pradesh –Vs- Laxmi Narayan and Others*** reported in ***2019 5 SCC 688***.
9. In Laxminarayan (Supra), the Hon'ble Apex Court at paragraph 13 held as under:-

"13. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

i) that the power conferred under [Section 482](#) of the Code to quash the criminal proceedings for the non-compoundable offences under [Section 320](#) of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of

matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

ii) such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

iii) similarly, such power is not to be exercised for the offences under the special statutes like [Prevention of Corruption Act](#) or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

iv) offences under [Section 307](#) IPC and the [Arms Act](#) etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under [Section 307](#) IPC and/or the [Arms Act](#) etc. which have a serious impact on the society cannot be quashed in exercise of powers under [Section 482](#) of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of [Section 307](#) IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of [Section 307](#) IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under [Section 307](#) IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on

the vital/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh (supra) should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

v) while exercising the power under [Section 482](#) of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impart on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise etc”.

10. The factual background, pleaded by the two petitioners herein, (the accused and the victim/complainant) supported by Keba Decision-Cum-Mutual Settlement Deed dated 29.09.2023, (Annexure-4) reflects that the petitioner No. 1 has already paid a sum of Rs. 14,25,000/- to the petitioner No. 2, as the cost of the damaged car.
11. In the aforesaid factual backdrop, and in the facts and circumstances of the present case, this Court is of a considered opinion that the origin of the dispute is in nature of a personal dispute, in the given factual background, the commission of offence shall not have a serious impact on

the society inasmuch as the entire episode arose out of disputes which are private and personal in nature. The offences in the given facts cannot be treated as heinous and serious offences of mental depravity as gather from the materials collected during the investigation by the I.O. Therefore, ends of justice would met in quashing the criminal proceeding being GR Case No. 37/2023 registered under Section 279/427 of IPC pending before the learned Chief Judicial Magistrate, Aalo, District- West Siang, Arunachal Pradesh including the charges order dated 21.11.2023 in the case arising out of Aalo PS Case No. 25/2023 under Section 279/337/427 of IPC and subsequent Charge Sheet No. 25/2023 under Section 279/427 of IPC.

12. Accordingly, this petition is allowed by setting aside and quashing the criminal prosecution being GR Case No. 37/2023 registered under Section 279/427 of IPC pending before the learned Chief Judicial Magistrate, Aalo, District- West Siang, Arunachal Pradesh including the charges order dated 21.11.2023 in the case arising out of Aalo PS Case No. 25/2023 under Section 279/337/427 of IPC and subsequent Charge Sheet No. 25/2023 under Section 279/427 of IPC.

JUDGE

Comparing Assistant