

GAHC040003002024



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

Case No. : Crl.Petn./28/2024

Oni Alee and Anr
Son of Late Jajang Alee,
resident of Larko Village,
PO and PS Jengging,
Upper Siang District,
Arunachal Pradesh

2: Yago Pangkam
Age:
Occupation
Wife of Shri Oni Alee
resident of Karko Village
PO and PS Jengging
Upper Siang District
Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Chorpok Modi

Advocate for the Respondent : L. Hage, Add.P P of AP

**BEFORE
HONBLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 22-08-2024

Heard Mr. C. Modi, learned counsel for the petitioners and Ms. L. Hage, learned Additional Public Prosecutor for the State of Arunachal Pradesh.

2. This is an application under Section 482 of the Code of Criminal Procedure, 1973 has been jointly filed by the petitioners namely, Shri Oni Alee and Smti. Yago Pangkam, praying for quashing of the proceedings arising out of Jengging P.S. Case No. 5/2023 on the basis of an FIR dated 24.11.2023 filed by the petitioner No. 2 Smti. Yago Pangkam.

3. The facts relevant for consideration of the instant criminal petition, in brief, are as follows:

On 24.11.2023, the petitioner No. 2, Smti. Yago Pangkam has lodged an FIR before the Officer-in-Charge of the Jengging Police Station inter alia, alleging that her husband, Shri Oni Alee, had physically assaulted her on 23.11.2023 at about 7:30 pm at her residence at Jengging and also set her house on fire.

On receipt of the said FIR, the Jengging P.S. Case No. 5/2023 under Sections 452/436/323/324/506 of the Indian Penal Code was registered and investigation was initiated. Ultimately, on completion of the investigation, chargesheet was laid against the petitioner No. 1 bearing chargesheet No. 1/2024, dated 09.01.2024, under Sections 452/436/323/506 of the IPC.

4. Mr. Modi, learned counsel for the petitioners has submitted that in the meanwhile, the petitioner No. 2 approached the Kebang (customary court) at Jengging and by order, dated 04.02.2024, the said customary Court decided the dispute between the parties by directing the petitioner No. 1 to compensate the petitioner No. 2 by paying an amount of Rs. 4,50,000/-. The petitioner No. 1 was also directed to compensate one pig and one Duli Tadok (local bead) to the uncle of the petitioner No. 2. In addition to that, a sum of Rs. 50,000/- was also imposed on the petitioner No. 1 as Bane Yapkar (criminal penalty) and a stipulation was also made that if the petitioner No. 1 threatens the petitioner No. 2 in future, a value of one life would be imposed on the petitioner No. 1.

5. Mr. Modi, learned counsel for the petitioners has submitted that the petitioner No. 1 have already paid the compensation amount of Rs. 4,50,000/- to the petitioner No. 2 and amicable settlement has arrived at between both the petitioners for not pursuing the criminal case in respect of Jengging P.S. Case No. 5/2023. Learned counsel for the petitioners also submitted that, to that effect, a deed of amicable settlement was also executed between the parties on 03.06.2024. Mr. Mode, learned counsel has further submitted that, though, even after the mutual settlement, the petitioners are staying separately from each other, however, they have a child out of the said wedlock and for the sake of their child they continued to maintain the status of husband and wife. He further submitted that as the matter has been amicably settled between the parties, no purpose would be served in continuing the criminal proceedings as there is an unlikelihood of any conviction in the said case due to the amicable settlement arrived at between the parties.

6. Mr. Modi, learned counsel for the petitioners has cited a ruling of the Apex Court in the case "*Narinder Singh and Others Vs. State of Punjab and Another*",

reported in (2014) 6 SCC 466, wherein, the Apex Court had observed that in criminal cases which arise out of matrimonial relationships or family disputes, if the parties have resolved their disputes amongst themselves, same should be quashed.

7. On the other hand, Ms. L. Hage, learned Additional Public Prosecutor for the State has also submitted that the law in this regard has been settled by the Apex Court in the case of "the *State of Madhya Pradesh Vs. Laxmi Narayan and Others*" reported in (2019) 5 SCC 688, wherein the Apex Court has emphasis that in matrimonial disputes, if the parties have settled their disputes amicably, the criminal proceedings arising out of the same may be quashed.

8. In the instant case, both the parties have approached this Court by filing a joint application under Section 482 of the Code of Criminal Procedure as well as the victim (petitioner No. 2) has also filed an additional affidavit before this Court wherein she has stated that she has already received the sum of Rs. 4,50,000/- which was imposed on the petitioner No. 1 by the Kebang (customary court).

9. In view of the amicable settlement arrived at between the parties who are husband and wife in relationship and also considering the fact the they have a child out of the said wedlock as well as in view of the observations made by the Apex Court in the judgment cited by the learned counsels appearing for the parties to the effect that in those criminal case which arise out of matrimonial relationships and family disputes and where the parties have resolved the dispute amicably amongst themselves, the criminal prosecution should be quashed, this Court is of the considered opinion that for the ends of justice and to prevent the abuse of the process of the Court, continuation of the criminal proceedings arising out of Jengging P.S. Case No. 5/2023 would not be in

furtherance of justice and the same is required to be quashed.

10. Accordingly, the criminal proceedings which arose out of the Jengging P.S. Case No. 5/2023 is hereby quashed and this criminal petition is, accordingly, disposed of.

JUDGE

Comparing Assistant