

GAHC040005672024

2024:GAU-AP:1046



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

Case No. : Crl.Petn./50/2024

Geyum Padu and Anr
Son of Shri Kenge Padu, permanent resident of Darka Village, PO and PS Aalo, West
Siang District, Arunachal Pradesh

2: Marter Padu
Age:
Occupation :
Wife of Dr Geyum Padu
permanent resident of Darka Village
PO and PS Aalo
West Siang District
Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Marge D, Rosy c Lowangcha, Yommar Loyi

Advocate for the Respondent : P P of AP,

:::BEFORE:::
HON'BLE MR. JUSTICE KARDAK ETE
JUDGMENT & ORDER (Oral)

Date: 28.11.2024

Heard Mr. M. Doji, learned counsel for the petitioners. Also heard Ms. L. Hage, learned Additional Public Prosecutor for the State.

2. This is an application jointly filed by the petitioners under Section 482 of the Code of Criminal Procedure, 1973, praying for quashment of G.R. Case No.182/2021, under Section 498(A) of the IPC, pending before the learned Court of Chief Judicial Magistrate, Aalo, on the basis of settlement arrived at between the petitioners.

3. The case set up by the prosecution is that on 10.05.2019, a written information was received from one Smti Marter Ete, wife of Dr. Geyum Padu to the effect that she has been married with the accused since the year 2015 and have a minor daughter out of the said wedlock. For the last couple of years, her husband has been involved in extra marital affair, thereby, keep harassing her both mentally and physically. On 09.05.2019, her husband came back to their rented house and slapped her and dragged her out of the rented room, thereafter, left the victim and her minor child and stayed with other woman somewhere at BN colony, Aalo.

4. On receipt of the said written information, a case being Aalo P.S. Case No.42/2019, under Sections 498(A)/323 of the IPC has been registered.

5. On completion of the investigation, a charge-sheet has been filed by the Police against the petitioner No.1 under Section 498(A) of the IPC on

07.02.2020.

6. The learned Chief Judicial Magistrate has framed a charge against the petitioner No.1 and the trial is pending at the stage of prosecution evidence.

7. During the pendency of the trial, the petitioners have entered into a mutual settlement on 08.06.2023, thereby, have settled the matter before the family members.

8. Mr. M. Doji, learned counsel for the petitioners submits that on the unconditional apology being tendered by the petitioner No.1 of his misconduct and also being the husband and wife, the petitioners have entered into a mutual settlement to keep their cordial relationship. He further submits that since the case has arisen out of a matrimonial relationship and the dispute having been resolved amongst themselves by way of settlement, the criminal proceedings of G.R. Case No.182/2021 may be quashed as there is no chance of conviction against the petitioner No.1 and also considering the facts that the parties have resolved the matter amicably and are maintaining cordial relationship.

9. Ms. L. Hage, learned Addl. P.P., fairly submits that since the case has arisen out of a matrimonial relationship and purely a family dispute and the injury caused in the incident is simple in nature as well as the petitioners having been resolved the matter between themselves, the further proceedings of the trial would be futile. Therefore, Ms. Hage, learned Addl. P.P. raises no serious objection if this Court quashes the present criminal proceedings for the ends of justice.

10. Due consideration has been given to the submissions advanced by the learned counsel for the parties and also perused the record of the trial Court.

11. It is noticed that the petitioners are husband and wife and the allegation

levelled by the petitioner No.2 being a wife is to the effect that the petitioner No.1 has assaulted her physically and dragged her out of the rented room. The further allegation is that the petitioner No.1 has been living in extra marital affairs with many strange girls and on her objection to such extra marital affairs, the petitioner No.1 used to harass/torture her mentally and physically. It is also alleged that the petitioner No.1 has left the petitioner No.2 and their minor daughter and had stayed with one lady for continuous 3 (three) days and when the petitioner No.1 came back to the rented room the petitioner No.2 made an enquiry of his whereabouts. On such enquiry, the petitioner No.1 has slapped and dragged her out of the rented room in the presence of his parents and many more bystanders.

12. Upon investigation, the Police has found *prima facie* case, accordingly, the charge-sheet has been filed under Section 498(A) of the IPC and the charge has been framed by the competent Court against the petitioner No.1.

13. On consideration of the materials available on record, a *prima facie* case, appears to have been established against the petitioner No.1 of the alleged offence, however, the fact remains that the case has arisen out of a matrimonial relationship. During the pendency of the trial, the petitioners being the husband and wife have entered into a mutual settlement, thereby, have resolved the dispute.

14. It is stated at the Bar that both the petitioners are maintaining cordial relationship having no ill will towards each other as they are the husband and wife, who are having a minor child and they have decided to concentrate on the welfare of the child as well as the family.

15. Having considered the submissions of the learned counsel for the parties

and on scrutiny of the materials on record, I am of the view that the case appears to be predominantly arisen out of a matrimonial relationship/family dispute, although a simple injury has been caused to the petitioner No.2 in the incident. The petitioners being the husband and wife have resolved the dispute considering welfare of their child and the family.

16. It is well settled that a criminal proceedings can be quashed by invoking the inherent power of the Court under Section 482 of the Cr.P.C. if the parties have raised settlement on two factors, namely, to secure the ends of justice and to prevent the abuse of process of the law. It is also settled that the criminal cases having overwhelming and predominantly civil character, particularly those arising out of commercial transaction or arisen out of matrimonial relationship or family disputes may be quashed when the parties have resolved their entire disputes amongst themselves. In this context, a profitable reference may be made to the case of *State of Madhya Pradesh Vs. Laxmi Narayan & Ors.*, reported (2019) 5 SCC 688.

17. Having considered the materials placed on record and the law laid down by the Hon'ble Supreme Court, I am of the considered view that the case has predominantly arisen out of a matrimonial relationship as the petitioner No.2 has alleged the petitioner No.1 of having extra marital affairs and in the process, he appears to have slapped the petitioner No.2 and dragged her out of the room causing simple injury. That apart, the petitioners have settled the matter amicably and are maintaining cordial relationship.

18. For the above reasons, this Court is of the view that the present case is one of the cases where the inherent power of this Court can be invoked as the continuance of present criminal proceedings would be futile and abuse of process of the law. Thus, ends of justice would be met if the present petition is

allowed by quashing the criminal proceedings of G.R. Case No.182/2021, arising out of Aalo P.S. Case No.42/2019, pending before the learned Court of Chief Judicial Magistrate, Aalo.

19. Accordingly, the criminal proceedings of G.R. Case No.182/2021, arising out of Aalo P.S. Case No.42/2019, under Section 498(A) of the IPC, pending before the learned Court of Chief Judicial Magistrate, Aalo is hereby quashed.

20. The criminal petition stands allowed and disposed of.

JUDGE

Comparing Assistant