



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

Case No. : Crl.Petn./55/2024

Lalit Jangid and 3 Ors

Son of Lab Chand Jangid, residing of Banderdewa, PO and PS Banderdewa,
Papumpare District, Arunachal Pradesh and presently working as private employee
under Satyam Spat North East Limited Banderdewa

2: Surender Kumar Joshi

Age:

Occupation :

Son of Late Berulal Joshi residing at Banderdewa PO and PS Banderdewa Papumpare
District Arunachal Pradesh and presently working as Cashier under Satyam Spat
North East Limited Banderdewa

3: Phassang Sinia

Age:

Occupation :

Son of Late Phassang Ekiong residing of Tani I Colony Banderdewa PO and PS
Banderdewa Papumpare District Arunachal Pradesh

VERSUS

The State of AP

through the PP of AP

Advocate for the Petitioner : Dugmar Kamduk

Advocate for the Respondent : P P of AP

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

ORDER

Date : 29-08-2024

Heard Mr. D. Kamduk, learned counsel for the petitioners. Also heard Mr. T. Ete, learned Additional Public Prosecutor for the State of Arunachal Pradesh.

2. This criminal petition under Section 482 of the Code of Criminal Procedure, 1973, has been jointly filed by the petitioner No. 1, *Shri Lalit Jangid*; Petitioner No. 2, *Shri Surender Kumar Joshi* and Petitioner No. 3, *Shri Phassang Sinia*, praying for quashing of the proceedings of G.R Case No. 96/2022 under Section 324 of the India Penal Code (IPC), presently pending before the Court of the learned Chief Judicial Magistrate, Yupia, Papum Pare District, where the petitioner No. 3 is facing the trial.

3. The facts relevant for consideration of the instant criminal petition, in brief, are that on 01.02.2022, the petitioner No. 1, *Shri Lalit Jangid* had lodged an F.I.R. before the Officer-in-Charge of Banderdewa Police Station, *inter alia*, alleging that on that day, at about 8.10 pm, the petitioner No. 3, namely, *Shri Phassang Sinia*, came to the Office of the informant and asked for advance salary and when the same was refused, he assaulted and inflicted a cut injury to the petitioner No. 2, *Shri Surender Kumar Joshi*, who was the cashier of the *M/s Satyam Ispat (North East Limited)*, causing cut injury over the hand of the petitioner No. 2. On receipt of the said F.I.R., Banderdewa Police Station Case No. 02/2022 was registered, under Section 326 of the IPC and investigation was initiated. Ultimately, on completion of investigation, Charge-sheet was laid against the petitioner No. 3, under Section 324 of the IPC. During the pendency

of trial, the charge was framed against petitioner No. 3, under Section 324 of the IPC. When the said were read over and explained to the petitioner No. 3, he pleaded not guilty and claimed to be tried.

4. It is submitted by the learned counsel for the petitioners that in the meanwhile, the parties have amicably settled their dispute amongst them and to that effect, they also executed a written agreement on 22.08.2022. It is also submitted by the learned counsel for the petitioners that in the meanwhile, on 02.02.2023, the victim who is the petitioner No. 2 in this case, has already been examined in the case pending against the petitioner No. 3 as P.W-2. And in his testimony before the trial Court, the petitioner No. 2 deposing as P.W-2, has stated before the trial Court that he was accidentally hit on his hand and got injured. The learned counsel for the petitioners has submitted that as the complainant, who was examined as P.W-1 and the victim, who was examined as P.W-2 have not given any implicating evidence against the petitioner No. 3 i.e., the accused, namely, *Shri Phassang Sinia* and as there has already been an amicable settlement reached between the parties, it would be futile to proceed with the trial as the probability of conviction in this case is very bleak and therefore, he prays that this Court may exercise its power under Section 482 of the Code of Criminal Procedure, 1973 and quash the pending criminal proceedings against the petitioner No. 3.

5. On the other, Mr. T. Ete, learned Additional Public Prosecutor, has fairly submitted that in view of the testimony of the victim and the complainant before the trial Court, there is unlikelihood that this case would result in conviction of the petitioner No. 3 and therefore, he also submits that it would be

futile to further proceed with the trial. Moreso, in view of the amicable settlement reached between the parties.

6. I have considered the submissions made by the learned counsels for both the sides and have gone through the materials on record including the deposition of P.W-1, complainant and P.W-2, victim, which were made by them before the trial Court.

7. I have also gone through the written settlement agreement, which has been annexed in this case as Annexure-3.

8. As the matter has been amicably settled between the parties and as the victim has not implicated the petitioner No. 3 in his testimony before the trial Court, this Court is also of the considered opinion that it would be a futile exercise to proceed with the pending prosecution against the petitioner No. 2 and under such circumstances, to continue with the trial would only be an abuse of the process of Court.

9. Moreso, in view of the settlement arrived at between the parties, this Court is of the considered opinion that in the interest of justice, the pending prosecution against the petitioner No. 3 in G.R Case No.96/2022 is required to be quashed and accordingly, this Court in exercise of its inherent jurisdiction, quashes the aforesaid G.R. Case.

10. This criminal petition is accordingly, disposed of.

JUDGE

Comparing Assistant