

GAHC040006502024



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

Case No. : Crl.Petn./70/2024

Raju Maying and Anr
Son of Late Tasa Maying, resident of Lingram Village, PO and PS Taliha, Upper
Subansiri District, Arunachal Pradesh and presently residing at Peon Colony,
Daporijo, PO and PS Daporijo, Upper Subansiri District, Arunachal Pradesh 791122
2: Dinita Ebiya

Age:

Occupation :

D/o Shri Tadit Ebiya
resident of Forest Colony

Daporijo

PO and PS Daporijo

Upper Subansiri District

Arunachal Pradesh 79112

VERSUS

The State of AP

represented through the PP, Govt of Arunachal Pradesh

Advocate for the Petitioner : Bomnya Kamdak, Tsering Gyatso, Tato Maying, Mardo Game, Vijay
Duku Raji

Advocate for the Respondent : P P of AP,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

12.09.2024

Heard the learned counsel Mr. T. Gyasto appearing for the petitioners.
Also heard Ms. T. Jini, the learned Addl. Public Prosecutor representing the

State of Arunachal Pradesh.

2. This is a joint application filed by the petitioners under Section 482 of the Code of Criminal Procedure, 1973 praying for quashing and setting aside the proceeding of G.R. Case No.45/2023 arising out of Charge Sheet No.40/2023 dated 25.11.2023 pursuant to Daporijo Police Station Case No.29/2023 under Sections 354/509/506 of the Indian Penal Code and r/w Section 25(1-A) of Arms Act, 1959.

3. After filing of the charge sheet, the trial court framed the charges under Sections 354/509 and 323 of the Indian Penal Code r/w Section 30 of Arms Act.

4. The petitioner Raju Maying had threatened the petitioner Ms. Dinita Ebiya by showing her a gun. Now, both of them have come together to file this petition and have stated that they have compromised their disputes between themselves.

5. I have considered the submissions made by the learned counsel of both sides.

6. Ms. Jini has pointed out that in paragraph 15.4 of the State of *Madhya Pradesh vs. Laksmi Narayan & Ors.* reported in 2019 (5) SCC 688, the Hon'ble Supreme Court has held that criminal proceedings for offences under Sections 307 of the Indian Penal Code or Arms Act etc., which have a serious impact on the society cannot be quashed in the exercise of the power under Section 482 of the CrPC, on the ground that the parties have resolved their entire dispute amongst themselves.

7. I have decided to agree with Ms. Jini.

8. The nature of the offence as committed by the petitioner Raju Maying is against the norms of civilized society. It is a crime against the entire society, not against an individual alone.

9. For the aforesaid reasons, this Court is of the opinion that the instant criminal petition is devoid of any merit and therefore stands dismissed and disposed of accordingly.

JUDGE

Comparing Assistant