



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

Case No. : Crl.Petn./77/2024

Smti Yura Yachik and Anr
Daughter of Shri Yura Soping, presently residing at P Sector, Itanagar, Papaumpare
District, Arunachal Pradesh 2: Gora Tagi
Age:
Occupation :
Son of Late Gora Taying
resident of Sancheng Village
Sangram
Kurung Kumey District
Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Ojing Pada

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MRS. JUSTICE MARLI VANKUNG

ORDER

Date : 30.07.2024

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

2. The instant petition has been filed by the petitioners under Section 482 of the Cr.P.C., 1973, for this Court to invoke its inherent powers and quash the F.I.R. No. 89/2017 dated 18.09.2017, registered before Itanagar/Women Police Station (WPS) under Sections 498A/506/323 IPC corresponding to G.R. Case No. 578/2017 and the Charge-sheet No. 71/2018, dated 01.08.2018.

3. The learned counsel for the petitioners submits that the instant petitioner Nos. 1 & 2, being husband and wife (spouses) during the time of the incident, have settled their disputes outside the Court in front of their family members with certain strict terms and conditions and the complainant had agreed to withdraw the case lodged against the accused. Further, the petitioner Nos. 1 & 2, have mutually separated by signing a mutual Deed of Agreement, dated 15.11.2017, wherein, it was also held that the accused would compensate the victim by paying a sum of Rs. 3,00,000/- (Rupees three lakhs) for the hurt and trouble caused to her. The parties had mutually consented not to pursue any legal complicity in the near future before the Court in the Deed of Agreement, dated 15.11.2017. The learned counsel for the petitioners, thus, submits that since they have already settled the matter and are not willing to pursue it, it would be a futile exercise for the matter to be kept pending before the Court of the learned Judicial Magistrate First Class, Yupia.

4. Mr. T. Ete, learned Additional Public Prosecutor for the State, in all fairness, submits that on perusal of the nature of Deed of Settlement, filed by the petitioners, as it is seen that the parties have amicably settled the case between themselves and have even further made a deal of agreement for mutual separation, wherein, the accused had agreed to pay a compensation of Rs.

3,00,000/- (Rupees three lakhs) for the hurt and distress caused the victim/petitioner No. 1, herein, he has no objection to the quashing of the instant case, as prayed for. He further submits that except for Section 498 (A) IPC, the other Sections, under which the accused has been charged are also compoundable offences.

5. Having heard the submissions made by the learned counsels for both the parties and on perusal of the Deed of Agreement dated 15.11.2017, signed by the parties, it is seen that the parties are husband and wife and later, on mutual settlement, also agreed for mutual separation, wherein, the accused had also agreed to compensate the victim by paying Rs. 3,00,000/- (Rupees three lakhs).

6. In view of the above, this Court finds that it would serve the interest of justice to invoke its inherent power under Section 482 Cr.P.C., since, further proceeding with the case would instead be an abuse of the process of the Court and accordingly, quash the proceedings of the F.I.R. No. 89/2017 dated 18.09.2017, registered before Itanagar/Women Police Station (WPS) under Sections 498A/506/323 IPC corresponding to G.R. Case No. 578/2017 and the Charge-sheet No. 71/2018, dated 01.08.2018.

7. Accordingly, the criminal petition stands allowed and disposed of.

JUDGE

Comparing Assistant