

GAHC040007722024



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

Case No. : Crl.Petn./89/2024

1. Uttam Sorahia and 2 Ors
Son of Shri Pashupati Nath Prasad Soharia,
a permanent resident of Village Rajakhana (Near BOP, Camp),
PO Jonakareng, PS Jonai, Dhemaji District, Assam

2: Miro Moyong
Age:
Occupation :
Son of Shri Katon Moyong
a permanent resident of Village Napit
PO and PS Pasighat
East Siang District
Arunachal Pradesh

3: Dadi Ering
Age:
Occupation :
Son of Shri Tapun Ering
a permanent resident of Napit Village
PO and PS Pasighat
East Siang District
Arunachal Pradesh

VERSUS

The State of Arunachal Pradesh
represented by the PP of AP

Advocate for the Petitioner : Kemo Lollen, Maryum Sora, Nyai Loyi, Geli Taye, D Ado

Advocate for the Respondent : P P of AP,

BEFORE
HON'BLE MR. JUSTICE KARDAK ETE

O R D E R

Date : 28.11.2024.

Heard Mr. K. Lollen, learned counsel for the petitioners. Also heard Ms. T. Jini, learned Additional Public Prosecutor for the State.

2) This is an application under Section 482 of the Code of Criminal Procedure, 1973 (now repealed), jointly filed by the petitioners praying for quashment of the GR Case No.112/2022, under Section 394 of the IPC, pending before the learned Chief Judicial Magistrate, Pasighat on the basis of settlement.

3) The case set up by the prosecution is that on 08.06.2022, at 10:00 Hrs., a written complaint was received from one Shri Uttam Sorahia to the effect that on the same day, in between 05.00 Hrs. to 06.30 Hrs., while the informant was proceeding towards Pasighat from Aalo via Yingkong on his Bolero Pickup vehicle bearing Regn. No. AS-07-AC-9435 and upon reaching near Ranaghat bridge at Pasighat, two unknown miscreants in a Maruti 800 car, bearing Regn. No.AR-01-C-7723 stopped him and started demanding money. When the informant refused to pay the money as demanded, one of the unknown miscreants started to assault him with fist and blow and with iron rod. As a result, the informant sustained injuries on his face and head. Thereafter, the unknown miscreants fled away from the spot.

4) On receipt of the FIR, the Pasighat P.S. Case No. 66/2022, under Section 394 of the IPC was registered. During the course of investigation, the accused

persons i.e. petitioner Nos. 2 & 3 were identified and they were arrested. The petitioner Nos. 2 & 3 have admitted their involvement in the incident before the police.

5) On completion of the investigation charge sheet has been filed under Section 394 of the IPC, against the petitioner Nos. 2 & 3. It is stated that the Trial Court has framed the charge against the petitioner Nos. 2 & 3 and the trial is pending at the stage of evidence.

6) Mr. K. Lollen, learned counsel for the petitioners submits that immediately after the registration of the case, the petitioners have entered into a mutual settlement on 19.06.2022. He submits that the injury caused, as per the injury report is simple. That apart, the petitioner Nos. 2 & 3 have compensated the medical expenses, which was incurred by the petitioner No.1, due to the injury caused to him in the incident. Therefore, he submits that since the matter has been settled between the parties, there is unlikelihood of any evidence against the accused persons and as such continuance of the criminal proceeding would be futile and as the chances of conviction are remote and as such he prays that the criminal proceeding in GR Case No.112/2022, may be quashed.

7) Ms. T. Jini, learned Additional Public Prosecutor for the State fairly submits that since the parties have settled the matter and the injury caused is simple in nature, she has no objection in quashment of the criminal proceeding, as the same may end in acquittal for want of evidence against the petitioner Nos. 2 & 3.

8) Having considered the submissions of learned counsel for the parties and

also on the scrutiny of the trial Court records, it is seen that the petitioner Nos. 2 & 3 have admitted their involvement in the incident before the police and accordingly, the charge sheet has been filed against them. The injury caused is simple in nature, as per the injury report.

9) It is also noticed that immediately after 11 days of registration of the case, the parties have entered into a mutual settlement on 19.06.2022, as noted above and the petitioners are maintaining cordial relation between themselves.

10) On consideration of the matter in its entirety, I am of the view that no useful purpose would be served in continuance of the instant criminal proceedings, as the parties have settled the matter. Even if the petitioner Nos. 2 & 3 stated to have admitted their involvement in the incident, same is before the police, there would not be any evidence against the accused/petitioner Nos. 2 & 3, as no prosecution witness would depose against them. In that event, the proceeding would be an abuse of the process of law.

11) It is settled law that a proceeding can be quashed by invoking the inherent power under Section 482 of the CrPC, to prevent the abuse of the process of law. In the present case, as noted above, it appears that even if the trial is allowed to complete, then there would be hardly any chance of conviction, as it cannot be expected that the prosecution witness would depose against the petitioner Nos. 2 & 3, in view of the settlement between the petitioners. Thus, in my considered view, the chance of conviction is blink. Therefore, the criminal proceeding in the instant case is liable to be quashed.

12) Considering the principle laid down by the Hon'ble Supreme Court and the

materials placed on record and also the submissions of learned counsel for the parties, this Court is of the view that continuance of the instant criminal proceeding would be futile. Thus, I deem it appropriate to allow this criminal petition. Accordingly, the criminal proceeding of GR Case No.112/2022, under Section 394 of the IPC, pending before the learned Chief Judicial Magistrate, Pasighat is quashed.

13) The criminal petition stands allowed and disposed of.

JUDGE

Comparing Assistant