

GAHC040007952024



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

Case No. : Crl.Petn./92/2024

Thami Khanam and Anr
Son of Shri Tashi Khanam, permanent resident of Dikhiyang Village, PO and PS
Bomdila, West Kameng District, Arunachal Pradesh and presently residing at Press
Colony near Middle School, Papu Nallah, Naharlagun, PO and PS Naharlagun,
Papumpare District, Arunachal Pradesh 2: Chera Karmo

Age:

Occupation :

Son of Shri Chera Tagik

resident of Chimpu

Itanagar

PO RK Mission

PS Chimpu

Papumpare District

Arunachal Pradesh

VERSUS

Thee State of AP

represented by the PP of AP

Advocate for the Petitioner : Arup Bhattacharjee

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MRS. JUSTICE MARLI VANKUNG

ORDER

Date : 01.08.2024

Heard Mr. Arup Bhattacharjee, learned counsel for the petitioners. Also

heard Mr. Token Ete, learned Additional Public Prosecutor for the State respondents.

This is an application under Section 482 of the Code of Criminal Procedure, 1973 praying for quashing and setting aside of the FIR dated 09.08.2023, which has been registered as ITA Police Station Case No. 177/2023 under Section 279/506/427 of the Indian Penal Code.

The learned counsel for the petitioner submits that though the petitioner No. 2 had lodged the FIR against the accused/ petitioner No. 1 on 09.08.2023, a few months after the accident have come to an amicable settlement on 03.10.2023 and have duly executed a settlement agreement. On having come to an amicable settlement, the petitioner had agreed to withdraw the case against the accused/petitioner No. 1. Both the petitioners are now having a good relationship and the informant/victim/petitioner No. 2 no longer wishes to pursue the case against the petitioner No. 1/accused. The learned counsel further submits that the offence is of a simple nature, wherein the petitioner No. 1/accused has been charged under Section 279/506/427 IPC and that only Section 279 IPC is a non-compoundable offence and therefore, prayed for quashing any further proceedings of the case in the interest of justice.

The learned Additional Public Prosecutor in all fairness submits that the matter is left to the discretion of the Court, considering the nature of the offence, the amicable settlement and the settlement agreement executed by the parties on 03.10.2023. He further submitted that the case has been charge sheeted and the matter has been sent for trial to the concerned Court.

Having heard the submissions made by the learned counsels for both the parties, this Court has perused the FIR which was lodged by the

informant/petitioner No. 2. The FIR is to the effect that on 09.08.2023, the Scooty of petitioner No. 1 was about to collide with the car of petitioner No. 2 and as a result of which, there was verbal altercation between both the parties and later, the petitioner No. 1 chased the petitioner No. 2 and threw a stone at the vehicle of petitioner No. 2, causing dent at the back of the vehicle. Thereafter, it is seen that the parties on 03.10.2023 had executed a settlement agreement before the Executive Magistrate, Itanagar, Capital Complex, wherein it was admitted that the petitioner No. 1 had committed the offence in the instant heat of the moment against the petitioner No. 2 and that the incident took place due to misunderstanding between both the parties. The parties have now settled the matter amicably. That the petitioner No. 2, now no longer wishes to pursue the case and wishes that the case be rest forever.

This Court on considering the nature of the case and the dispute/misunderstanding which arose between the parties find it an appropriate case for invoking its inherent powers under Section 482 Cr.P.C., since the offence under Section 279 IPC is a non-compoundable offence. The other Sections against the accused/petitioner No. 1 being Section 506 and Section 427 IPC are compoundable offences. This Court finds that when the parties have reached this settlement in the instant case, any further proceedings against the petitioner No. 1/accused would amount to an abuse of the proceedings of the Court and for the ends of justice, by invoking its inherent powers under Section 482 Cr.P.C., quash the FIR registered vide ITA Police Station Case No. 177/2023 and also further quash the subsequent proceedings of the case before the concerned Magistrate 1st Class, Yupia.

Accordingly, Criminal Petition No. 92 (AP) of 2024 stands allowed and disposed of.

JUDGE

Comparing Assistant