

GAHC040010412024



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

Case No. : Crl.Petn./120/2024

Ekar Riba and 2 Ors
Son of Late Mai Riba, permanent resident of nVillae Paji -II, Basar, PO and PS Basar,
Leparada District, Arunachal Pradesh

2: Karngam Riba
Age:
Occupation :

3: Kengo Dirchi
Age:
Occupation

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Vijay Jamoh

Advocate for the Respondent : P P of AP

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

ORDER

Date : 19.08.2024

Heard Mr. V. Jamoh, learned counsel for the petitioners. Also heard Mr. J. Tsering, learned Public Prosecutor for the State of Arunachal Pradesh.

2. This joint application under Section 528 of BNSS (Bharatiya Nagarik Suraksha Sanhita) is preferred by the petitioners, namely, **Shri Ekar Riba, Ms. Karngam Riba and Mr. Kengo Dirchi**, praying for quashing of the charge-sheet No. 35/2018, which has been lodged in Women Police Station Case No. 83/2018 corresponding to G.R. Case No. 552/2017 under Section 498(A) of Indian Penal Code against the petitioner No. 3 Mr. Kengo Dirchi.

3. The facts relevant for consideration of the instant criminal petition, in brief, are as follows:

(i) That on 01.09.2017, the petitioner No. 1 had lodged an FIR before the Officer-In-Charge of Basar Police Station, *inter alia*, alleging that the petitioner No. 1 has subjected the daughter of the

informant, namely, Ms. Karngam Riba (petitioner No. 2) to cruelty.

(ii) On receipt of the said FIR, the Women Itanagar P.S. Case No. 883/2018 was registered under Section 498(A) of Indian Penal Code and investigation was initiated.

(iii) Ultimately, on completion of investigation charge-sheet was led against the petitioner No. 3 under Section 498(A) of Indian Penal Code.

4. Mr. V. Jamoh, the learned counsel for the petitioners have submitted that after laying of the charge-sheet, the case has been transferred to the Court of learned Chief Judicial Magistrate First Class, Capital Complex, Yupia for disposal and the said Court has issued summons to the petitioner No. 3. However, it is submitted that in meanwhile an amicable settlement has arrived at between the parties. In view of decision of Customary Court, where the informant had approach for settlement of the dispute and by order dated 25.06.2023, the matter was resolved.

5. Mr. V. Jamoh, learned counsel for the petitioners has submitted that in view of the settlement reached between the parties, the victim i.e., the petitioner No. 2 as well as the informant i.e., the petitioner No. 1 does not intend to pursue with the criminal case against the petitioner No. 2 and therefore, they have filed their joint petition before this Court for quashing

of the matter.

6. Mr. J. Tsering, learned Public Prosecutor has submitted that as this is a matrimonial dispute and an amicable settlement has been arrived at between the parties, it would be futile to continue with the proceeding of G.R. Case No. 552/2017.

7. I have considered the submissions made by the learned counsel for the parties as well as perused the materials on record including the inter village Customary Court dated 25.06.2023.

8. As in the instant case, the FIR was lodged by the father-in-law of the petitioner No. 3 and the father of the victim i.e., the petitioner No. 2 and as both the petitioner Nos. 1 & 2 have jointly approached this Court for quashing of the charge-sheet, as well as the proceeding of G. R. Case No. 552/2017, this Court is of considered opinion that in view of the amicable settlement arrived at between the parties, it would be futile to continue with the proceeding of G. R. Case No. 552/2017. Hence, this is a fit case wherein, the inherent powers of this Court may be exercised for quashing of the charge-sheet No. 35/2018 as well as proceeding of G.R. Case No. 552/2017.

8. In view of the above, this criminal petition is hereby allowed and the charge-sheet No. 35/2018 as well as proceeding of G.R. Case No. 552/2017 are hereby quashed.

9. With the above observation, this criminal petition accordingly disposed of.

JUDGE

Comparing Assistant