



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

Case No. : Crl.Petn./186/2023

Miss Tome Megu and Anr.
D/o Didung Megu, Village Damro, PO Yingkiong, PS Mariyang, District Upper
Siang, Arunachal Pradesh. M. No. 8119960946

2: Tami Tali (Complainant)
Age: 30
Occupation
S/o Late Tago Tali, village: Bogne, P.O./P.S. :- Kaying, District- Siang, Arunachal
Pradesh. M. No. 9362687213

VERSUS

THE STATE OF AP
represented through learned Public Prosecutor.

Advocate for the Petitioner : Lissing Perme

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 24-01-2024

Heard Mr. L. Perme, learned counsel for the petitioner. Also heard Mr. T. Ete, learned Additional Public Prosecutor for the State.

2. This is a joint application filed by the accused and the complainant under

Section 482 Cr.P.C. for setting aside and quashing the criminal proceeding under Pasighat P.S. Case No. 100/2023, under Section 454 IPC dated 17.09.2023 and any consequential proceeding out of the case.

3. It is submitted by the learned counsel for the petitioners that the accused/petitioner no. 1 is the sister-in-law of the petitioner no. 2/complainant. Both the accused and the complainant were residing in the same rented premises but on the day of incident when the petitioner no. 1 wanted to withdraw all her belongings from the rented premises, as it was locked, she informed her brother-in-law and he asked her to wait for some more time but as she was in urgency to take her belongings, she again informed the complainant and this time, he asked her to break the lock of the premises and accordingly, she broke the lock of the rented house. But, as she did not maintain a good relationship with her elder sister, on the connivance of her elder sister, the informant lodged the false and concocted case against her. Mr. Perme submits that both the accused and the informant entered into a Compromise/Settlement Deed, dated 06.10.2023 and the matter has been compromised between the parties and accordingly, the informant is not interested to proceed with the case further. Hence, the present petition has been filed jointly by both the accused and the informant for setting aside and quashing of the criminal proceeding under Pasighat P.S. Case No. 100/2023, under Section 454 IPC dated 17.09.2023.

4. It is further submitted by the learned counsel for the petitioner that as the matter has already been compromised between the parties, there is a remote chance of conviction of the accused/petitioner no. 1 even if the proceeding is allowed to be continued. Accordingly, prays for quashing of the criminal

proceeding under Pasighat P.S. Case No. 100/2023, under Section 454 IPC dated 17.09.2023.

5. In this context, Mr. T. Ete, learned Additional Public Prosecutor has submitted that as both the accused/petitioner no. 1 and the petitioner no. 2/complainant are family members and were residing in the same rented premises and due to some family dispute between the parties, the incident had happened and also considering the nature of allegation and the compromise between the parties, he submits that it is a fit case wherein, the criminal proceeding can be quashed in view of decision of the Hon'ble Apex Court passed in ***State of Madhya Pradesh Vs. Laxmi Narayan and Others***, reported in ***(2019) 5 SCC 688*** and thus, he raises no objection in quashing the criminal proceeding under Pasighat P.S. Case No. 100/2023, under Section 454 IPC dated 17.09.2023.

6. Considering the submissions made by the learned counsel for the petitioners and also considering the fact that both the petitioner no.1/accused and the petitioner no. 2/informant have entered into a compromise, I find it a fit case to exercise the power under Section 482 Cr.P.C for quashing and setting aside the Pasighat P.S. Case No. 100/2023, under Section 454 IPC dated 17.09.2023.

7. Accordingly, the proceeding under Pasighat P.S. Case No. 100/2023, under Section 454 IPC dated 17.09.2023 stands set aside and quashed.

8. The criminal petition stands disposed of.

JUDGE

Comparing Assistant