

GAHC040014182023



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

Case No. : Crl.Petn./192/2023

Smti Omem Paleng and Anr.
W/o Shri Abeng Borang, Permanent resident of Village Paksing, P.O/P.S Kaying,
Siang District, Arunachal Pradesh. 2: Abeng Borang
Age:
Occupation

VERSUS

THE STATE OF AP
represented by Public Prosecutor

Advocate for the Petitioner : Adam Tatak

Advocate for the Respondent : P P of AP

BEFORE
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI
ORDER

30.04.2024

Heard Mr. T. Gyatso, learned counsel for the petitioners. Also heard Mr. J. Tsering, learned Public Prosecutor for the State respondent.

2. This is a joint application under Section 482 CrPC, 1973 for quashing and setting aside the Session Case No. 47/2020 corresponding to charge sheet No.

30/20 dated 26.06.2020 under Section 376(2)(i) IPC r/w Section 6 of POCSO Act arising out of Itanagar Women PS Case/FIR No. 34/2019 dated 19.07.2019 pending trial before the Court of Session Judge, Yupia on the on the ground that the informant/victim and the accused have entered into a compromise and have settled the differences arising between them.

3. Heard the parties and perused the materials available on record.
4. It appears that the victim and the accused have jointly preferred the instant petition wherein the victim herself has signed the affidavit on 11.10.2023 praying for quashing of the subject criminal proceedings.
5. It further appears that a settlement has been arrived between the parties which is enclosed to the joint petition at annexure 5 dated 18.08.2023.
6. A perusal of the aforesaid Settlement Deed indicates that though initially Section 6 of POCSO Act was added, subsequently at the stage of consideration of charge by the Trial Court, the same was dropped.
7. It appears that at the instigation and pressure of the victim's parent, the FIR has been lodged.
8. It further appears from the aforesaid Settlement Deed that both the parties have married and are now living happily together as husband and wife and are also blessed with 4 years old daughter.
9. Considering that the parties are living happily married life, for the ends of justice, this Court is inclined to quash the subject criminal proceedings.
10. Accordingly, criminal proceedings in connection to the Session Case No. 47/2020 corresponding to charge sheet No. 30/20 dated 26.06.2020 under Section 376(2)(i) IPC r/w Section 6 of POCSO Act arising out of Itanagar

Women PS Case/FIR No. 34/2019 dated 19.07.2019 is set aside and quashed.

Prayer is allowed.

Disposed of.

JUDGE

Comparing Assistant